MATHE. HALE. MILES. CAPITALI
IUSTIC. DE. BANCO REGIS ANO. 1681

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THE

Life & Death

OF

Sir *Matthew Hale*, Kt.

SOMETIME

LORD CHIEF JUSTICE

OF

His Majesties Court

OF

KINGS BENCH.

Written by

GILBERT BURNET, D. D.

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THE

PREFACE.

NO part of *History* is more *instructive* and *delighting*, than the *Lives* of great and worthy *Men*: The *shortness* of them *invites* many *Readers*, and there are *such little* and yet *remarkable passages* in them, too *inconsiderable* to be put in a general *History* of the *Age* in which they *lived*; that all *People* are very *desirous* to know them. This *makes* Plutarch's *Lives* be more *generally Read*, than any of all the *Books* which the *Ancient* Greeks *or* Romans *Writ*.

But the *lives* of *Heroes* and *Princes*, are *commonly filled* with the *account* of the *great things done* by them, which do *rather belong* to a *general* than a *particular History*; and do *rather amuse* the *Readers*

fancy with a ſplendid ſhew of greatneſs, than offer him what is really ſo uſeful to himſelf; And indeed the Lives of Princes are either writ with ſo much flattery, by thoſe who intended to merit by it at their own hands, or others concerned in them; or with ſo much ſpite, by thoſe who being ill uſed by them, have revenged themſelves on their Memory, that there is not much to be built on them: and though the ill nature of many makes what is Satyrically writ, to be generally more read and believed, than when the flattery is viſible and courſe; yet certainly Reſentment may make the Writer corrupt the truth of Hiſtory, as much as Intereſt: And ſince all Men have their blind ſides, and commit Errours, he that will induſtriouſly lay theſe together, leaving out, or but ſlightly touching what ſhould be ſet againſt them, to ballance them, may make a very good man appear in very bad colours: So upon the whole matter, there is not that reaſon to expect either much truth, or great inſtruction, from what is written concerning Heroes or Princes; for few have been able to imitate the patterns Suetonius *ſet the World in writing the Lives*

of

of the Roman *Emperours, with the same freedom that they had led them: But the Lives of private men, though they seldom entertain the Reader with such a variety of passages as the other do; yet certainly they offer him things that are more imitable, and do present wisdom and vertue to him, not onely in a fair* Idea, *which is often look't on as a piece of the Invention or Fancy of the Writer, but in such plain and familiar instances, as do both direct him better, and perswade him more; And there are not such temptations to bias those who writ them, so that we may generally depend more on the truth of such relations as are given in them.*

In the Age in which we live, Religion and Vertue have been proposed and defended with such advantages, with that great force of reason, and those perswasions, that they can hardly be matched in former times; yet after all this, there are but few much wrought on by them, which perhaps flows from this, among other reasons, that there are not so many excellent Patterns set out, as might both in a shorter, and more effectual manner recommend that to the World, which discourses do but

coldly; *The wit and ſtile of the Writer being more conſidered than the argument which they handle, and therefore the propoſing Virtue and Religion in ſuch a Model, may perhaps operate more than the perſpective of it can do; and for the Hiſtory of Learning, nothing does ſo preſerve and improve it, as the writing the Lives of thoſe who have been eminent in it.*

There is no Book the Ancients have left us, which might have informed us more than Diogenes Laertius *his Lives of the Philoſophers; if he had had the art of writing equal to that great Subject which he undertook; for if he had given the World ſuch an account of them, as* Gaſſendus *has done of* Peiresk, *how great a ſtock of knowledge might we have had, which by his unskilfulneſs is in a great meaſure loſt? Since we muſt now depend only on him, becauſe we have no other, or better Author, that has written on that Argument.*

For many Ages there were no Lives writ but by Monks, *through whoſe Writings there runs ſuch an incurable humour, of telling incredible and inimitable paſſages, that little in them can be believed or*

pro-

propoſed as a pattern: Sulpitius Severus *and* Jerom *ſhewed too much credulity in the Lives they writ, and raiſed* Martin *and* Hilarion *beyond what can be reaſonably believed: after them* Socrates, Theodoret, Sozomen *and* Palladius *took a pleaſure to tell uncouth ſtories of the* Monks *of* Thebais; *and* Nitria: *and thoſe who came after them, ſcorned to fall ſhort of them, but raiſed their Saints above thoſe of former Ages; ſo that one would have thought that undecent way of writing could riſe no higher; and this humour infected even thoſe who had otherwiſe a good ſenſe of things, and a juſt apprehenſion of Mankind, as may appear in* Matthew Paris, *who though he was a Writer of great Judgment and Fidelity, yet he has corrupted his Hiſtory with much of that Alloy: But when emulation and envy roſe among the ſeveral Orders or Houſes, then they improved in that art of making Romances, inſtead of writing Lives, to that pitch, that the World became generally much ſcandalized with them: The* Franciſcans *and* Dominicans *tried who could ſay the moſt extravagant things of the Founders, or other Saints of their Orders, and*

the Benedictines; *who thought themselves, possest of the belief of the World, as well as of its Wealth, endeavoured all that was possible still to keep up the dignity of their Order, by outlying the others all they could; and whereas here or there, a Miracle, a Vision or Trance, might have occurred in the Lives of former Saints; now every Page was full of those wonderful things.*

Nor has the humour of Writing in such a manner, been quite laid down in this Age, though more awakned and better enlightned, as appears in the Life of Philip Nerius, *and a great many more: And the* Jesuits *at* Antwerp, *are now taking care to load the World with a vast and voluminous Collection of all those Lives, that has already swelled to Eleven Volumes in Folio, in a small Print, and yet being digested according to the Kalendar, they have yet but ended the Month of* April: *The Life of Monsieur* Renty *is writ in another manner, where there are so many excellent passages, that he is justly to be reckoned amongst the greatest patterns that* France *has afforded in this Age.*

But

But while ſome have nouriſhed Infidelity, and a ſcorn of all ſacred things, by writing of thoſe good Men in ſuch a ſtrain, as makes not only what is ſo related to be disbelieved, but creates a diſtruſt of the Authentical Writings of our moſt Holy Faith; others have fallen into another extream in writing Lives too jejunely, ſwelling them up with trifling accounts of the Childhood and Education, and the Domeſtick or private Affairs of thoſe perſons of whom they writ, in which the World is little concerned: by theſe they become ſo flat, that few care to read them, for certainly thoſe Tranſactions are only fit to be delivered to Poſterity, that may carry with them ſome uſeful piece of knowledge to after-times.

I have now an Argument before me, which will afford indeed only a ſhort Hiſtory, but will contain in it as great a Character, as perhaps can be given of any in this Age; ſince there are few inſtances of more knowledge and greater virtues meeting in one perſon. I am upon one account (beſide many more) unfit to undertake it, becauſe I was not at all known to him, ſo I can ſay nothing from my own Obſervation; but upon ſecond thoughts I do not know whether

ther this may not qualifie me to write more impartially, though perhaps more defectively; for the knowledge of extraordinary Persons does most commonly biaſs thoſe, who were much wrought on by the tenderneſs of their friendſhip, for them, to raiſe their Stile a little too high when they write concerning them: I confeſs I knew him as much as the looking often upon him could amount to. The laſt year of his being in London, *he came always on Sundays, (when he could go abroad) to the Chappel of the* Rolls, *where I then Preached: In my life I never ſaw ſo much Gravity tempered with that ſweetneſs, and ſet off ſo much vivacity as appeared in his looks and behaviour, which diſpoſed me to a veneration for him, which I never had for any, with whom I was not acquainted: I was ſeeking an opportunity of being admitted to his Converſation; but I underſtood that between a great want of health, and a multiplicity of buſineſs, which his Imployment brought upon him, he was Maſter of ſo little of his time, that I ſtood in doubt whether I might preſume to rob him of any of it, and ſo he left the Town, before*

fore I could reſolve on deſiring to be known to him.

My ignorance of the Law of England, *made me alſo unfit to write of a Man, a great part of whoſe Character, as to his Learning, is to be taken from his skill in the Common Law, and his performances in that. But I ſhall leave that to thoſe of the ſame Robe: Since if I engaged much in it, I muſt needs commit many errours, writing of a Subject that is foreign to me.*

The occaſion of my undertaking this, was given me firſt by the earneſt deſires of ſome that have great power over me, who having been much obliged by him, and holding his memory in high eſtimation, thought I might do it ſome right by writing his Life; I was then engaged in the Hiſtory of the Reformation, *ſo I promiſed that as ſoon as that was over, I ſhould make the beſt uſe I could of ſuch Informations and Memorials as ſhould be brought me.*

This I have now performed in the beſt manner I could, and have brought into method all the parcels of his Life, or the branches of his Character, which I could either gather from the Informations that

were

were familiarly acquainted with him, or from his Writings: I have not applied any of the false Colours with which Art, or some forced Eloquence might furnish me in writing concerning him; but have endeavoured to set him out in the same simplicity in which he lived: I have said little of his Domestick Concerns, since though in these he was a great Example, yet it signifies nothing to the world to know any particular exercises, that might be given to his patience; and therefore I shall draw a Vail over all these, and shall avoid saying any thing of him, but what may afford the Reader some profitable Instruction: I am under no temptations of saying any thing but what I am perswaded is exactly true, for where there is so much excellent truth to be told 'twere an inexcusable fault to corrupt that, or prejudice the Reader against it by the mixture of falsehoods with it.

In short as he was a great example while he lived, so I wish the setting him thus out to Posterity, in his own true and Native Colours, may have its due influence on all persons; but more particularly on those of that profession, whom it more immediately concerns, whether on the Bench or at the Bar.

THE

THE LIFE & DEATH OF Sir *Matthew Hale*, Kt. LATE Lord Chief Justice OF ENGLAND.

Matthew Hale was born at *Alderly* in *Glocestershire*, the first of *November*, 1609. His Grandfather was *Robert Hale*, an Eminent Clothier in *Wotton-under-edge*, in that County, where

where he and his Anceſtors had lived for many Deſcents; and they had given ſeveral parcels of Land for the uſe of the Poor, which are enjoyed by them to this day. This *Robert* acquired an Eſtate of ten Thouſand Pound, which he divided almoſt equally amongſt his five Sons, beſides the Portions he gave his Daughters, from whom a numerous Poſterity has ſprung. His Second Son was *Robert Hale*, a Barriſter of *Lincolns-Inn*; he Married *Joan*, the Daughter of *Matthew Poyntz*, of *Alderly* Eſquire, who was deſcended from that Noble Family of the *Poyntz*'s of *Acton*: Of this Marriage there was no other Iſſue but this one Son. His Grandfather by his Mother was his Godfather, and gave him his own Name at his Baptiſm. His Father was a Man of that ſtrictneſs of Conſcience, that he gave over the practiſe of the Law, becauſe he could not underſtand the reaſon of giving Colour in Pleadings, which as he thought was to tell a Lye; and that, with ſome other things commonly practiſed, ſeemed to him contrary

to

to that exactneſs of Truth and Juſtice which became a Chriſtian; ſo that he withdrew himſelf from the *Inns* of Court, to live on his Eſtate in the Country. Of this I was informed by an Ancient Gentleman, that lived in a friendſhip with his Son for fifty Years, and he heard Judge *Jones*, that was Mr *Hales*'s Contemporary, declare this in the *Kings-Bench*. But as the care he had to ſave his Soul, made him abandon a Profeſſion in which he might have raiſed his Family much higher; ſo his Charity to his poor Neighbours, made him not only deal his Alms largely among them while he lived, but at his Death he left (out of his ſmall Eſtate, which was but 100 *l.* a year) 20 *l.* a year to the Poor of *Wotton*, which his Son confirmed to them with ſome Addition, and with this Regulation, that it ſhould be diſtributed among ſuch poor Houſekeepers as did not receive the Alms of the Pariſh; for to give it to thoſe, was only as he uſed to ſay, to ſave ſo much Money to the Rich, who by Law were bound to relieve the Poor of the Pariſh.

Thus

Thus he was deſcended rather from a Good than a Noble Family, and yet what was wanting in the inſignificant Titles of High Birth, and Noble Blood, was more than made up in the true worth of his Anceſtors. But he was ſoon deprived of the happineſs of his Fathers Care and Inſtruction, for as he loſt his Mother before he was three years old, ſo his Father died before he was five; ſo early was he caſt on the Providence of God. But that unhappineſs was in a great meaſure made up to him: For after ſome oppoſition made by Mr. *Thomas Poyntz*, his Uncle by his Mother, he was committed to the care of *Anthony Kingſcot*, of *Kingſcot* Eſquire, who was his next Kinſman, after his Uncles, by his Mother.

Great care was taken of his Education, and his Guardian intended to breed him to be a Divine; and being inclined to the way of thoſe then called *Puritans*, put him to ſome Schools that were Taught by thoſe of that Party, and in the 17th year of his Age, ſent him to *Magdalen-Hall* in *Oxford*,

Oxford, where *Obadiah Sedgwick* was his Tutor. He was an extraordinary Proficient at School, and for ſome time at *Oxford*. But the Stage-players coming thither, he was ſo much corrupted by ſeeing many Plays, that he almoſt wholly forſook his Studies. By this he not only loſt much time, but found that his Head came to be thereby filled with ſuch vain Images of things, that they were at beſt improfitable, if not hurtful to him; and being afterwards ſenſible of the miſchief of this, he reſolved upon his coming to *London*, (where he knew the opportunities of ſuch Sights would be more frequent and inviting) never to ſee a Play again, to which he conſtantly adhered.

The Corruption of a Young Man's mind in one particular, generally draws on a great many more after it, ſo he being now taken off from following his Studies, and from the Gravity of his deportment, that was formerly Eminent in him, far beyond his Years, ſet himſelf to many of the vanities incident to Youth, but ſtill preſerved

ſerved his Purity, and a great probity of Mind. He loved fine Cloaths, and delighted much in Company; and being of a ſtrong robuſt Body, he was a great Maſter at all thoſe Exerciſes that required much ſtrength. He alſo learned to Fence, and handle his Weapons, in which he became ſo expert, that he worſted many of the Maſters of thoſe Arts: but as he was exerciſing himſelf in them, an Inſtance appeared that ſhewed a good Judgment, and gave ſome hopes of better things. One of his Maſters told him he could teach him no more, for he was now better at his own Trade than himſelf was. This Mr. *Hale* lookt on as flattery; ſo to make the Maſter diſcover himſelf, he promiſed him the Houſe he lived in, for he was his Tenant, if he could hit him a blow on the Head, and bad him do his beſt, for he would be as good as his word: ſo after a little Engagement, his Maſter being really Superiour to him, hit him on the Head, and he performed his promiſe, for he gave him the Houſe freely; and was not unwilling at that rate to learn ſo early,

ty, to distinguish Flattery from plain and simple Truth.

He was now so taken up with Martial matters, that instead of going on in his design of being a Scholar, or a Divine, he resolved to be a Souldier: and his Tutor *Sedgwick* going into the *Low-Countries*, Chaplain to the Renowned Lord *Vere*, he resolved to go along with him, and to trail a Pike in the Prince of *Orange*'s Army; but a happy stop was put to this Resolution, which might have proved so fatal to himself, and have deprived the Age of the great Example he gave, and the useful Services he afterwards did his Country. He was ingaged in a Suit of Law with Sir *Will. Whitmore*, who laid claim to some part of his Estate, and his Guardian being a Man of a retired temper, and not made for Business, he was forced to leave the *University*, after he had been three years in it, and go to *London* to sollicite his own business. Being recommended to Serjeant *Glanvill* for his Councellor, and he observing in him a clear apprehension of things, and a solid Judgment, and a great

great fitneſs for the ſtudy of the Law, took pains upon him to perſwade him to forſake his thoughts of being a Souldier, and to apply himſelf to the ſtudy of the Law: and this had ſo good an effect on him, that on the 8*th* of *Novemb.* 1629. when he was paſt the 20*th* year of his Age, he was admitted into *Lincolns-Inn*: and being then deeply ſenſible how much time he had loſt, and that idle and vain things had over-run and almoſt corrupted his Mind, he reſolved to redeem the time he had loſt, and followed his Studies with a diligence that could ſcarce be believed, if the ſignal effects of it did not gain it Credit. He ſtudied for many years at the rate of 16 Hours a day: he threw aſide all fine Clothes, and betook himſelf to a plain Faſhion, which he continued to uſe in many points to his dying day.

But ſince the honour of reclaiming him from the idleneſs of his former courſe of life, is due to the memory of that Eminent Lawyer Serj *Glanvil*, and ſince my deſign in Writing is to propoſe a pattern of Heroick Virtue to the World, I

ſhall

shall mention one passage of the Serjeant which ought never to be forgotten. His Father had a fair Estate, which he intended to settle on his Elder Brother, but he being a vicious young Man, and there appearing no hopes of his Recovery, he settled it on him, that was his Second Son. Upon his Death, his Eldest Son finding that what he had before looked on, as the threatnings of an angry Father, was now but too certain, became Melancholy, and that by degrees wrought so great a Change on him, that what his Father could not prevail in while he Lived, was now effected by the severity of his last Will, so that it was now too late for him to change in hopes of an Estate that was gone from him. But his Brother observing the reality of the Change, resolved within himself what to do: so he called him, with many of his Friends together to a Feast, and after other Dishes had been served up to the Dinner, he ordered one that was covered to be set before his Brother, and desired him to uncover it; which he doing, the Company was surprized to find it

full

full of Writings. So he told them that he was now to do, what he was sure his Father would have done, if he had lived to see that happy Change, which they now all saw in his Brother: and therefore he freely restored to him the whole Estate. This is so great an instance of a Generous and Just disposition, that I hope the Reader will easily pardon this Digression, and that the rather, since that Worthy Serjeant was so instrumental in the happy Change that followed in the course of Mr. *Hale*'s Life.

Yet he did not at first break off from keeping too much Company with some vain People, till a sad Accident drove him from it; for he with some other young Students, being invited to be merry out of Town, one of the Company called for so much Wine, that notwithstanding all that Mr. *Hale* could do to prevent it, he went on in his Excess till he fell down as dead before them, so that all that were present, were not a little affrighted at it, who did what they could to bring him to himself again: This did particularly

ly affect Mr. *Hale*, who thereupon went into another Room, and ſhutting the door, fell on his Knees, and prayed earneſtly to God, both for his Friend, that he might be reſtored to Life again; and that himſelf might be forgiven for giving ſuch Countenance to ſo much Exceſs: and he vowed to God, that he would never again keep Company in that manner, nor drink a Health while he lived: His Friend recovered, and he moſt Religiouſly obſerved his Vow, till his Dying day. And though he was afterwards preſt to drink Healths, particularly the *Kings*, which was ſet up by too many as a diſtinguiſhing mark of Loyalty, and drew many into great Exceſs after His *Majeſtie*'s happy Reſtoration; but he would never diſpenſe with his Vow, though he was ſometimes roughly treated for this, which ſome hot and indiſcreet men called Obſtinacy.

This wrought an entire change on him: now he forſook all vain Company, and divided himſelf between the Duties of Religion, and the Studies of his Profeſſion: in the former he was

ſo regular, that for ſix and thirty Years time, he never once failed going to Church on the Lords day; this obſervation he made when an Ague firſt interrupted that conſtant Courſe, and he reflected on it, as an Acknowledgment of Gods great Goodneſs to him, in ſo long a Continuance of his health.

He took a ſtrict account of his time, of which the Reader will beſt judge, by the Scheme he drew for a Diary which I ſhall inſert Copied from the Original, but I am not certain when he made it; it is ſet down in the ſame Simplicity in which he writ it for his own private uſe.

MORNING.

I. *To lift up the heart to God in thankfulneſs for renewing my Life.*

II. *To renew my Covenant with God in Chriſt.* 1. *By renewing Acts of Faith receiving Chriſt, and rejoycing in the height of that Relation.* 2. *Reſolution of being one of his People doing him Allegiance.*

III. *Adoration and Prayer.*

IV. *Setting a Watch over my own Infirmities*

mities and Passions, over the Snares laid in our way. Perimus licitis.

Day Imployment.

There must be an Imployment, two kinds.

I. *Our ordinary calling, to serve God in it. It is a Service to Christ though never so mean.* Colos. 3. *Here* Faithfulness, Diligence, Chearfulness. *Not to overlay my self with more Business than I can bear.*

II. *Our Spiritual Imployments: Mingle somewhat of Gods Immediate Service in this day.*

Refreshments.

I. *Meat and Drink, Moderation seasoned with somewhat of God.*

II. *Recreation.* 1. *Not our Business.* 2. *Sutable. No Games, if given to Covetousness or Passion.*

If alone.

I. *Beware of wandring vain lustful Thoughts; fly from thy self rather than entertain these.*

II. *Let thy Solitary thoughts be profitable, view the Evidences of thy Salvation, the state of thy Soul, the coming*

of Christ, thy own Mortality, it will make thee humble and watchful.

Company.

Do good to them. Use Gods name reverently. Beware of leaving an ill Impression of ill Example. Receive good from them, if more knowing.

Evening.

Cast up the Accompts of the Day. If ought amiss, Beg pardon. Gather resolution of more Vigilance. If well, bless the Mercy and Grace of God that hath Supported thee.

These Notes have an Imperfection in the Wording of them, which shews they were only intended for his Privacies. No wonder a Man who set such Rules to himself, became quickly very Eminent and Remarkable.

Noy the Attorney General, being then one of the greatest Men of the Profession, took early notice of him, and called often for him, and directed him in his Study, and grew to have such friendship for him, that he came to be called *young Noy*. He passing from the extream of Vanity in his Apparel,

parel, to that of neglecting himself too much, was once taken when there was a Press for the *Kings*-Service, as a fit Person for it; for he was a strong and well built Man: But some that knew him coming by, and giving notice who he was, the Press-Men let him go. This made him return to more decency in his Clothes, but never to any Superfluity or Vanity in them.

Once as he was Buying some Cloath for a new Suit, the Draper with whom he differed about the Price, told him he should have it for nothing, if he would promise him an Hundred Pound when he came to be Lord Chief Justice of *England*; to which he answered, That he could not with a good Conscience wear any Man's Cloath, unless he payed for it; so he satisfied the Draper, and carried away the Cloath. Yet that same Draper lived to see him advanced to that same Dignity.

While he was thus improving himself in the Study of the Law, he not only kept the Hours of the *Hall* constantly in *Term-time*, but seldom put himself out of Commons in *Vacation-time*,

and continued then to follow his Studies with an unwearied diligence, and not being ſatisfied with the Books writ about it, or to take things upon truſt, was very diligent in ſearching all Records: Then did he make divers Collections out of the Books he had Read, and mixing them with his own Obſervations, digeſted them into a Common-place Book; which he did with ſo much Induſtry and Judgment, that an Eminent *Judge* of the *Kings-Bench*, borrowed it of him when he was Lord Chief *Baron*: He unwillingly lent it, becauſe it had been Writ by him before he was called to the *Bar*, and had never been throughly reviſed by him ſince that Time, only what Alterations had been made in the Law by ſubſequent Statutes and Judgments, were added by him as they had happened: but the *Judg* having peruſed it, ſaid, that though it was Compoſed by him ſo early, he did not think any Lawyer in *England* could do it better, except he himſelf would again ſet about it.

He was ſoon found out by that great and learned Antiquary Mr. *Selden*, who though

though much ſuperiour to him in Years, yet came to have ſuch a liking of him, and of Mr. *Vaughan*, who was afterwards Lord Chief Juſtice of the *Common-Pleas*, that as he continued in a cloſe friendſhip with them whil, he lived, ſo he left them at his Death two of his four Executors.

It was this Acquaintance that firſt ſet Mr. *Hale* on a more enlarged purſuit of Learning, which he had before confined to his own Profeſſion, but becoming as great a Maſter in it, as ever any was, very ſoon; he who could never let any of his time go away unprofitably, found leiſure to attain to as great a Variety of Knowledge, in as Comprehenſive a manner, as moſt Men have done in any Age.

He ſet himſelf much to the Study of the *Roman* Law, and though he liked the way of Judicature in *England* by Juries, much beter than that of the *Civil* Law, where ſo much was truſted to the Judge; yet he often ſaid, that the true Grounds and Reaſons of Law were ſo well delivered in the *Digeſts*,

that a Man could never underſtand Law as a Science ſo well, as by ſeeking it there, and therefore lamented much that it was ſo little ſtudied in *England*.

He looked on readineſs in Arithmetick, as a thing which might be uſeful to him in his own employment, and acquired it to ſuch a degree, that he would often on the ſudden, and afterwards on the *Bench* reſolve very hard Queſtions, which had puzled the beſt Accomptants about Town. He reſted not here, but ſtudied the *Algebra*, both *Specioſa* and *Numeroſa*, and went through all the other *Mathematical* Sciences, and made a great Collection of very excellent Inſtruments, ſparing no coſt to have them as exact as Art could make them. He was alſo very converſant in *Philoſophical* Learning, and in all the curious Experiments, and rare Diſcoveries of this Age: And had the new Books written on thoſe Subjects ſent him from all Parts, which he both read and examined ſo Critically, that if the Principles and Hypotheſes which he took firſt up, did any way prepoſſeſs him, yet thoſe who have differed moſt

moſt from him, have acknowledged, that in what he has writ concerning the *Torricellian* Experiment, and of the Rarefaction and Condenſation of the Air, he ſhews as great an exactneſs, and as much ſubtilty in the Reaſoning he builds on them, as theſe Principles to which he adhered could bear. But indeed it will ſeem ſcarce credible, that a man ſo much employed, and of ſo ſevere a temper of mind, could find leaſure to read, obſerve and write ſo much of theſe Subjects as he did. He called them his diverſions, for he often ſaid when he was weary with the ſtudy of the Law, or Divinity, he uſed to Recreate himſelf with *Philoſophy* or the *Mathematicks*; To theſe he added great skill in *Phyſick*, *Anatomy* and *Chyrurgery*: And he uſed to ſay *no man could be abſolutely a Maſter in any Profeſſion, without having ſome skill in other Sciences*; for beſides the ſatisfaction he had in the knowledg of theſe things, he made uſe of them often in his Employments. In ſome Examinations he would put ſuch Queſtions to *Phyſicians* or *Chyrurgeons*, that they have profeſſed the *Col-*

ledg of *Physicians* could not do it more exactly; by which he discovered great Judgment, as well as much knowledg in these things: And in his Sickness he used to argue with his Doctors about his Distempers, and the methods they took with them, like one of their own Profession; which one of them told me he understood, as far as *Speculation* without *Practice* could carry him.

To this he added great Searches into *Ancient History*, and particularly into the roughest and least delightful part of it, *Chronology*. He was well acquainted with the Ancient *Greek Philosophers*, but want of occasion to use it, wore out his knowledg of the *Greek* Tongue; yet by his great Conversation with *Selden*, he understood the most curious things in the *Rabinical* Learning.

But above all these, he seemed to have made the Study of Divinity the chief of all others, to which he not onely directed every thing else, but also arrived at that pitch in it, that those who have read, what he has written on these Subjects, will think, they must have

have had moſt of his time and thoughts. It may ſeem Extravagant, and almoſt incredible, that one man in no great compaſs of years, ſhould have acquired ſuch a variety of knowledg; and that in Sciences that require much leaſure and application. But as his Parts were quick, and his Apprehenſions lively, his Memory great, and his Judgment ſtrong; ſo his Induſtry almoſt indefatigable. He roſe always betimes in the Morning, was never idle, ſcarce ever held any diſcourſe about News, except with ſome few in whom he confided entirely. He entered into no Correſpondence by Letters, except about neceſſary buſineſs, or matters of Learning, and ſpent very little time in eating or drinking; for as he never went to publick Feaſts, ſo he gave no Entertainments but to the Poor; for he followed our Saviour's direction (of Feaſting none but theſe) literally: And in eating and drinking, he obſerved not onely great plainneſs and moderation, but lived ſo Philoſophically, that he always ended his Meal with an Appetite: ſo that he loſt little time at it-

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(that being the onely Portion which he grudged himſelf) and was diſpoſed to any exerciſe of his mind, to which he thought fit to apply himſelf after he had Dined: by theſe means he gained much time, that is otherwiſe unprofitably waſted.

He had alſo an admirable equality in the temper of his mind, which diſpoſed him for what ever Studies he thought fit to turn himſelf to; and ſome very uneaſie things which he lay under for many years, did rather engage him to, than diſtract him from his Studies.

When he was called to the Bar, and began to make a Figure in the World, the late unhappy Wars broke out, in which it was no eaſie thing, for a man to preſerve his integrity, and to live ſecurely, free from great danger and trouble. He had read the Life of *Pomponius Atticus*, writ by *Nepos*, and having obſerved, that he had paſſed through a Time of as much diſtraction, as ever was in any Age or State, from the Wars of *Marius* and *Scilla*, to the beginnings of *Auguſtus* his Reign,

Reign, without the leaſt blemiſh on his Reputation, and free from any conſiderable danger, being held in great eſteem by all Parties, and courted and favoured by them: He ſet him as a Pattern to himſelf, and obſerving that beſides thoſe virtues which are neceſſary to all men, and at all times, there were two things that chiefly preſerved *Atticus*; the one was, *his engaging in no Faction, and medling in no publick Buſineſs*; the other was, *his conſtant favouring and relieving thoſe that were loweſt*, which was aſcribed by ſuch as prevailed to the generoſity of his Temper, and procured him much kindneſs from thoſe on whom he had exerciſed his bounty, when it came to their turn to govern: He reſolved to guide himſelf by thoſe Rules as much as was poſſible for him to do.

He not onely avoided all publick Employment, but the very talking of News, and was always both favourable and charitable to thoſe who were depreſt, and was ſure never to provoke any in particular, by cenſuring or reflecting on their Actions; for many that

that have Converſed much with him, have told me they never heard him once ſpeak ill of any Perſon.

He was imployed in his practice by all the *Kings* Party: He was aſſigned Councel to the Earl of *Strafford*, and Arch-Biſhop *Laud*, and afterwards to the Bleſſed *King* Himſelf, when brought to the infamous Pageantry of a Mock-Tryal, and offered to plead for him with all the Courage that ſo Glorious a Cauſe ought to have inſpired him with, but was not ſuffered to appear, becauſe the *King* refuſing, as he had good reaſon, to ſubmit to the Court, it was pretended none could be admitted to ſpeak for him. He was alſo Councel for the *Duke* of *Hamilton*, the *Earl* of *Holland*, and the *Lord Capel*: His Plea for the former of theſe I have publiſhed in the *Memoires* of that *Dukes* Life. Afterwards alſo being Council for the *Lord Craven*, he pleaded with that force of Argument, that the then Attorney General threatned him for appearing againſt the Government, to whom he anſwered, *He was Pleading in defence*

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of those Laws, which they declared they would maintain and preserve, and he was doing his duty to his Client, so that he was not to be daunted with Threatnings.

Upon all these occasions he had discharged himself with so much Learning, Fidelity, and Courage, that he came to be generally imployed for all that Party: Nor was he satisfied to appear for their just Defence in the way of his Profession, but he also relieved them often in their Necessities, which he did in a way that was no less Prudent than Charitable, considering the dangers of that time: for he did often deposite considerable Sums in the Hands of a Worthy Gentleman of the *Kings* Party, who knew their Necessities well, and was to distribute his Charity according to his own discretion, without either letting them know from whence it came, or giving himself any Account to whom he had given it.

Cromwell seeing him possest of so much Practice, and he being one of the Eminentest Men of the Law, who was not at all afraid of doing his duty

ty in those Critical Times, resolved to take him off from it, and raise him to the *Bench*.

Mr. *Hale* saw well enough the Snare laid for him, and though he did not much consider the prejudice it would be to himself, to exchange the easie and safer Profits he had by his Practice, for a *Judges* Place in the *Common-Pleas*, which he was required to accept of; yet he did deliberate more on the Lawfulness of taking a Commission from Usurpers; but having considered of this, he came to be of opinion, *that it being absolutely necessary to have Justice and Property kept up at all times, it was no Sin to take a Commission from Usurpers, if he made no Declaration of his acknowledging their Authority*, which he never did: He was much urged to accept of it by some Eminent Men of his own Profession, who were of the Kings Party, as Sir *Orlando Bridgman*, and Sir *Geoffery Palmer*; and was also satisfied concerning the lawfulness of it, by the resolution of some famous *Divines*, in particular Dr. *Sheldon*, and Dr. *Henchman*, who were afterwards pro-

promoted to the Sees of *Canterbury* and *London*.

To these were added the importunities of all his Friends, who thought that in a time of so much Danger and Oppression, it might be no small Security to the Nation, to have a Man of his Integrity and Abilities on the *Bench*: and the Usurpers themselves held him in that Estimation, that they were glad to have him give a Countenance to their Courts, and by promoting one that was known to have different Principles from them, affected the Reputation of Honouring and trusting men of Eminent Virtues, of what perswasion soever they might be, in relation to Publick Matters.

But he had greater Scruples concerning the proceeding against Felons, and putting Offenders to Death by that Commission, since he thought the Sword of Justice belonging only by Right to the lawful Prince, it seemed not warrantable to proceed to a Capital Sentence by an Authority derived from Usurpers; yet at first he made distinction between common and ordi-

ordinary Felonies, and offences againſt the State; for the laſt he would never meddle in them; for he thought theſe might be often legal and warrantable Actions, and that the putting Men to Death on that account was Murder; but for the ordinary Felonies, he at firſt was of opinion that it was as neceſſary even in times of Uſurpation to execute Juſtice in thoſe caſes, as in the matters of Property: But after the King was Murthered, he laid by all his Collections of the Pleas of the *Crown*; and that they might not fall into ill hands, he hid them behind the Wainſcotting of his Study, for he ſaid *there was no more occaſion to uſe them, till the King ſhould be again reſtored to his Right*; and ſo upon his *Majeſties* Reſtoration he took them out, and went on in his Deſign to perfect that great Work.

Yet for ſome time after he was made a *Judge*, when he went the Circuit, he did ſit on the Crown Side, and Judged Criminals: But having conſidered farther of it, he came to think that it was at leaſt better not to do it; and

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ſo after the ſecond or third Circuit, he refuſed to ſit any more on the Crown Side, and told plainly the reaſon, for in matters of Blood, he was always to chuſe the ſafer Side: And indeed he had ſo carried himſelf in ſome Tryals, that they were not unwilling he ſhould withdraw from medling farther in them, of which I ſhall give ſome inſtances.

Not long after he was made a *Judge*, which was in the year 1653. when he went the Circuit, a Tryal was brought before him at *Lincoln*, concerning the Murther of one of the Towns-men, who had been of the Kings Party, and was killed by a Souldier of the *Garriſon* there. He was in the Fields with a Fowling Piece on his Shoulder, which the Souldier ſeeing, he came to him and ſaid, it was contrary to an Order which the *Protector* had made, *That none who had been of the Kings Party ſhould carry Arms*; and ſo he would have forced it from him: But as the other did not regard the Order, ſo being ſtronger than the Souldier, he threw him down, and having

ving beat him, he left him. The Souldier went into the Town, and told one of his fellow Souldiers, how he had been used, and got him to go with him, and lie in wait for the Man that he might be revenged on him. They both watched his coming to Town, and one of them went to him to demand his Gun, which he refusing, the Souldier struck at him, and as they were strugling, the other came behind, and ran his Sword into his Body, of which he presently died. It was in the time of the Assizes, so they were both Tryed: Against the one there was no Evidence of forethought Felony, so he was only found Guilty of Man-Slaughter, and Burnt on the Hand; but the other was found Guilty of Murther: And though Colonel *Whaley* that Commanded the Garrison, came into the Court and urged, *that the Man was killed only for disobeying the Protectors Orders*, and *that the Souldier was but doing his Duty*; yet the *Judge* regarded both his Reasons and Threatnings very little; and therefore he not only gave Sentence against

gainſt him, but ordered the Executi-
n to be ſo ſuddenly done, that it
ight not be poſſible to procure a
eprieve, which he believed would
ave been obtained, if there had been
me enough granted for it.

Another occaſion was given him of
ewing both his Juſtice and Courage,
hen he was in another Circuit; he
nderſtood that the *Protector* had or-
ered a *Jury* to be returned for a
ryal in which he was more than or-
inarily concerned: upon this Infor-
ation, he examined the Sheriff about
, who knew nothing of it, for he
id he referred all ſuch things to the
nder-Sheriff; and having next ask-
d the Under-Sheriff concerning it,
e found the Jury had been returned
y Order from *Cromwell*, upon which
e ſhewed the Statute, that all Juries
ught to be returned by the Sheriff, or
is lawful Officer: And this not be-
ng done according to Law, he diſ-
miſſed the Jury, and would not try the
Cauſe: Upon which the *Protector* was
ighly diſpleaſed with him, and at his
eturn from the Circuit, he told him

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in Anger, *he was not fit to be a Judge,* which all the Answer he made was *That it was very true.*

Another thing met him in the Circuit, upon which he resolved to have proceeded severely: Some *Anabaptists* had rushed into a Church, and had disturbed a Congregation, while they were receiving the Sacrament, not without some Violence; At this he was highly offended, for he said *it was intolerable for men, who pretended so high to liberty of Conscience, to go and disturb others; Especially those who had the Encouragement of the Law of their side:* but these were so supported by some great *Magistrates* and *Officers*, that a stop was put to his proceedings; upon which he declared, he would *meddle no more with the Tryals on the Crown-side.*

When *Penruddock*'s Tryal was brought on, there was a special Messenger sent to him requiring him to assist at it. It was in Vacation time, and he was at his Country-House at *Alderley*, he plainly refused to go, and said, *That Four Terms, and two Circuits, were enough, and the little Interval that was*

ctween, was little enough for their pri-vate affairs, and so he excused himself; he thought it was not necessary to speak more clearly, but if he had been urged to it, he would not have been afraid of doing it.

He was at that time chosen a *Parli-ament-Man*, (for there being then no House of Lords, *Judges* might have been chosen to sit in the House of Com-mons) and he went to it, on design to obstruct the Mad and Wicked pro-jects then on foot, by two parties, that had very different Principles and Ends.

On the one hand, some that were perhaps more sincere, yet were really brain-sick, designed they knew not what, being resolved to pull down a *Standing Ministry*, the *Law*, and *pro-perty* of *England*, and all the *Ancient Rules* of this Government; and set up in its room an *Indigested Enthusiastical Scheme*, which they called the *Kingdom of Christ*, or of his *Saints*; many of them being really in expectation, that one day or another Christ would come down, and sit among them, and at least

leaſt they thought to begin the *glorious Thouſand years*, mentioned in the *Revelation*.

Others at the ſame time, taking advantages from the Fears and Apprehenſions, that all the ſober Men of the Nation were in, leſt they ſhould fall under the Tyranny of a diſtracted ſort of People, who to all their other ill Principles added *great Cruelty*, which they had Copied from thoſe at *Munſter* in the former Age, intended to improve that opportunity to raiſe their own Fortunes and Families. Amidſt theſe, *Judge Hale* ſteered a middle Courſe; for as he would engage for neither ſide, ſo he with a great many more Worthy Men came to *Parliaments*, more out of a deſign to *hinder Miſchief*, than *to do much good*; wiſely foreſeeing, that the Inclinations for the *Royal Family* were daily growing ſo much, that in time the diſorder then in Agitation, would ferment to that happy Reſolution in which they determined in *May* 1660. And therefore all that could then be done, was to oppoſe the ill deſigns of both Par-

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ties, the *Enthuſiaſts* as well as the *Uſurpers*. Among the other extravagant Motions made in this *Parliament*, one was, *to deſtroy all the Records in the Tower*, and to *ſettle the Nation on a New-Foundation*; ſo he took this Province to himſelf, to ſhew the *Madneſs* of this Propoſition, the *Injuſtice* of it, and the *Miſchiefs* that would follow on it, and did it with ſuch Clearneſs, and ſtrength of Reaſon, as not only ſatisfied all ſober Perſons (for it may be ſuppoſed that was ſoon done) but ſtopt even the Mouths of the frantick people themſelves.

Thus he continued adminiſtring Juſtice till the *Protector* died, but then he both refuſed the Mournings that were ſent to him and his Servants for the Funeral, and likewiſe to accept of the New Commiſſion that was offered him by *Richard*, and when the reſt of the *Judges* urged it upon him, and imployed others to preſs him to accept of it, he rejected all their Importunities, and ſaid *he could act no longer under ſuch Authority.*

He lived a private man till the *Parliament* met, that called home the *King*, to which he was returned Knight of the Shire from the County of *Glocester*. It appeared at that time how much he was beloved and esteemed in his Neighbourhood; for though another who stood in Competition with him, had spent near a Thousand Pounds to procure Voices, a great Sum to be imployed that way in those days, and he had been at no cost, and was so far from solliciting it, that he had stood out long against those who pressed him to appear, and he did not promise to appear till three days before the Election, yet he was preferred. He was brought thither almost by Violence, by the Lord (now Earl of) *Berkeley*, who bore all the charge of the Entertainments on the day of his Election, which was considerable, and had engaged all his Friends and Interest for him: and whereas by the Writ, the Knight of a Shire must be *Miles gladio cinctus*, and he had no Sword, that Noble Lord girt him with his own Sword during the

the Election, but he was ſoon weary of it, for the Imbroidery of the Belt did not ſute well with the plainneſs of his Clothes: and indeed the Election did not hold long, for as ſoon as ever he came into the Field, he was choſen by much the greater Number, though the Poll continued for three or four days.

In that *Parliament* he bore his ſhare, in the happy Period then put to the *Confuſions* that threatned the utter Ruine of the Nation, which contrary to the expectation of the moſt Sanguine, ſetled in ſo ſerene and quiet a manner, that thoſe who had formerly built ſo much on their Succeſs, calling it an Anſwer from Heaven to their Solemn Appeals, to the Providence of God, were now not a little Confounded, to ſee all this turned againſt themſelves, in an inſtance much more extraordinary than any of thoſe were, upon which they had built ſo much. His great Prudence and excellent Temper led him to think, that the ſooner an Act of Indemnity were paſſed, and the full-

er it were of Graces and Favours, it would ſooner ſettle the Nation, and quiet the minds of the People; and therefore he applied himſelf with a particular care to the framing and carrying it on: In which it was viſible he had no concern of his own, but merely his love of the Publick that ſet him on to it.

Soon after this, when the Courts in *Weſtminſter-Hall* came to be ſettled, he was made *Lord Chief Baron*; and when the Earl of *Clarendon* (then Lord *Chancellour*) delivered him his Commiſſion, in the Speech he made according to the Cuſtom on ſuch Occaſions, he expreſſed his Eſteem of him in a very ſingular manner, telling him among other things, *That if the King could have found out an honeſter and fitter Man for that Imployment, he would not have advanced him to it*; and *that he had therefore preferred him, becauſe he knew none that deſerved it ſo well.* It is ordinary for Perſons ſo promoted to be Knighted, but he deſired to avoid having that Honour done him, and therefore for a Con-

Considerable time declined all opportunities of waiting on the King, which the Lord Chancellor observing, sent for him upon Business one day, when the King was at his House, and told His Majesty there was his modest Chief Baron, upon which, he was unexpectedly Knighted.

He continued Eleven Years in that place, Managing the Court, and all Proceedings in it with singular Justice. It was observed by the whole Nation, how much he raised the Reputation and Practice of it: And those who held Places and Offices in it, can all declare, not only the Impartiality of his Justice, for that is but a common Virtue, but his Generosity, his vast Diligence, and his great Exactness in Tryals. This gave occasion to the only Complaint that ever was made of him, *That he did not dispatch Matters quick enough*; but the great care he used, to put Suits to a final end, as it made him slower in deciding them; so it had this good effect, that Causes tryed before him, were seldom if ever tryed again.

Nor did his Administration of Justice lie only in that Court. He was one of the Principal Judges that sate in *Cliffords-Inn*, about setling the difference between Landlord and Tenant, after the Dreadful Fire of *London*. He being the first that offered his Service to the City, for accommodating all the differences that might have arisen about the Rebuilding it, in which he behaved himself to the satisfaction of all Persons concerned; So that the sudden and quiet Building of the City, which is justly to be Reckoned one of the Wonders of the Age, is in no small Measure due to the great care, which he and Sir *Orlando Bridgman*, (then Lord Chief Justice of the *Common-Pleas* afterwards Lord Keeper of the Great Seal of *England*) used, and to the Judgment they shewed in that Affair; since without the Rules then laid down, there might have otherwise followed such an endless train of vexatious Suits, as might have been little less chargeable than the Fire it self had been. But without detracting from the Labours

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of the other Judges, it must be acknowledged that he was the most instrumental in that great work; for he first by way of Scheme, contrived the Rules upon which he and the rest proceeded afterwards; in which his readiness at *Arithmetick*, and his skill in *Architecture* were of great use to him.

But it will not seem strange that a Judge behaved himself as he did, who at the Entry into his Imployment, set such excellent Rules to himself, which will appear in the following Paper Copied from the Original under his own hand.

Things Necessary to be Continually had in Remembrance.

I. *That in the Administration of Justice, I am intrusted for God, the King and Country; and therefore,*

II. *That it be done,* 1. *Uprightly,* 2. *Deliberately,* 3. *Resolutely.*

III. *That I rest not upon my own Understanding or Strength, but Implore and Rest upon the Direction and Strength of God.*

IV. *That in the Execution of Justice, I carefully lay aside my own Passions, and not give way to them, however provoked.*

V. *That I be wholly intent upon the Business I am about, remitting all other Cares and Thoughts, as Unseasonable and Interruptions.*

VI. *That I suffer not my self to be prepossessed with any Judgment at all, till the whole Business and both Parties be heard.*

VII. *That I never engage my self in the beginning of any Cause, but reserve my self unprejudiced till the whole be heard.*

VIII. *That in Business Capital, though my Nature prompt me to Pity; yet to consider, that there is also a Pity due to the Country.*

IX *That I be not too Rigid in matters purely Conscientious, where all the harm is Diversity of Judgment.*

X. *That I be not biassed with Compassion to the Poor, or favour to the Rich, in point of Justice.*

XI. *That*

XI. *That Popular, or Court Applauſe, or Diſtaſte have no Influence into any thing I do in point of Diſtribution of Juſtice.*

XII. *Not to be ſollicitous what men will ſay or think, ſo long as I keep my ſelf exactly according to the Rule of Juſtice.*

XIII. *If in Criminals it be a meaſuring Caſt, to incline to Mercy and Acquittal.*

XIV. *In Criminals that conſiſt meerly in words, when no more harm enſues, Moderation is no Injuſtice.*

XV. *In Criminals of Bloud, if the Fact be evident, Severity is Juſtice.*

XVI. *To abhor all private Sollicitations, of what kind ſoever, and by whom ſoever in Matters depending.*

XVII. *To charge my Servants,* 1. *Not to interpoſe in any Buſineſs whatſoever.* 2. *Not to take more than their known Fees.* 3. *Not to give any undue precedence to Cauſes.* 4. *Not to recommend Council.*

XVIII. *To be ſhort and ſparing at Meals, that I may be the fitter for Buſineſs.*

He would never receive *private Addreſſes* or *Recommendations* from the greateſt Perſons in any matter in which Juſtice was concerned. One of the firſt Peers of *England* went once to his Chamber and told him, *that having a Suit in Law to be tryed before him, he was then to acquaint him with it, that he might the better underſtand it, when it ſhould come to be heard in Court.* Upon which the *Lord Chief Baron* interrupted him, and ſaid *he did not deal fairly to come to his Chamber about ſuch Affairs, for he never received any Information of Cauſes but in open Court, where both Parties were to be heard alike,* ſo he would not ſuffer him to go on: Whereupon his Grace (for he was a Duke) went away not a little diſſatisfied, and complained of it to the King, as a rudeneſs that was not to be endured.

But his Majeſty bid him *content himſelf that he was no worſe uſed,* and ſaid, *he verily believed he would have uſed himſelf no better, if he had gone to ſollicite him in any of his own Cauſes.*

Ano-

Another paſſage fell out in one of his Circuits, which was ſome what cenſured as an affectation of an unreaſonable ſtrictneſs, but it flowed from his exactneſs to the Rules he had ſet himſelf: A Gentleman had ſent him a Buck for his Table, that had a Trial at the *Aſſiſes*; ſo when he heard his Name, he asked *if he was not the ſame Perſon that had ſent him Veniſon*, and finding he was the ſame, he told him, *he could not ſuffer the Trial to go on, till he had paid him for his Buck*; to which the Gentleman anſwered, *that he never ſold his Veniſon, and that he had done nothing to him, which he did not to every Judg that had gone that Circuit*, which was confirmed by ſeveral Gentlemen then preſent: but all would not do, for the *Lord Chief Baron* had learned from *Solomon, that a Gift perverteth the ways of Judgment*, and therefore he would not ſuffer the Trial to go on, till he had paid for the Preſent; upon which the Gentleman withdrew the Record; and at *Salisbury* the *Dean* and *Chapter* having according to the Cu-

Cuſtom preſented him with ſix Sugar Loaves in his Circuit, he made his Servants pay for the Sugar before he would try their Cauſe.

It was not ſo eaſie for him to throw off the importunities of the Poor, for whom his compaſſion wrought more powerfully than his regard to Wealth and Greatneſs, yet when Juſtice was concerned, even that did not turn him out of the way. There was one that had been put out of a Place for ſome ill behaviour, who urged the *Lord Chief Baron to ſet his hand to a Certificate to reſtore him to it, or provide him with another*: But he told him plainly *his fault was ſuch he could not do it*; the other preſſed him vehemently and fell down on his Knees, and begged it of him with many Tears; but finding that could not prevail, he ſaid *he ſhould be utterly ruined if he did not*; *and he ſhould curſe him for it every day*. But that having no effect, then he fell out into all the reproachful words, that Paſſion and Deſpair could inſpire him with, to which all the anſwer the *Lord Chief Ba-*

Baron made, was, *that he could very well bear all his Reproaches, but he could not for all that ſet his hand to his Certificate.* He ſaw he was poor, ſo he gave him a charity and ſent him away.

But now he was to go on after his Pattern, *Pomponius Atticus*, ſtill to favour and relieve them that were loweſt; So beſides great charities to the *Nonconformiſts*, who were then as he thought too hardly uſed, he took great care to cover them all he could, from the ſeverities ſome deſigned againſt them, and diſcouraged thoſe who were inclined to ſtretch the Laws too much againſt them: He lamented the differences that were raiſed in this Church very much, and according to the Impartiallity of his Juſtice, he blamed ſome things on both ſides, which I ſhall ſet down with the ſame freedom that he ſpake them. He thought many of the *Nonconformiſts*, had merited highly in the Buſineſs of the *King's Reſtauration*, and at leaſt deſerved that the terms of Conformity ſhould not have been made ſtricter, than they

they were before the War. There was not then that dreadful Proſpect of *Popery*, that has appeared ſince: But that which afflicted him moſt, was, that he ſaw the heats and contentions which followed upon thoſe different Parties and Intereſts, did take People off from the indiſpenſible things of Religion, and ſlackned the Zeal of other ways good men for the ſubſtance of it, ſo much being ſpent about external and indifferent things. It alſo gave advantages to Atheiſts, to treat the moſt Sacred Points of our holy Faith as ridiculous, when they ſaw the Profeſſors of it contend, ſo fiercely, and with ſuch bitterneſs, about leſſer Matters: He was much offended at all thoſe Books that were written, to expoſe the contrary Sect to the ſcorn and contempt of the Age in a wanton and petulant Style; He thought ſuch Writers wounded the *Chriſtian Religion*, through the ſides of thoſe who differed from them; while a ſort of lewd People, who having aſſumed to themſelves the Title of the Wits (though

but

but a very few of them have a right to it) took up from both hands, what they had ſaid, to make one another ſhew ridiculous, and from thence perſwaded the world to laugh at both, and at all Religion for their ſakes. And therefore he often wiſhed there might be ſome Law, to make all ſcurrility in Diſputes about Religion puniſhable. But as he lamented the Proceedings too rigorouſly againſt the Nonconformiſts; ſo he declared himſelf always of the ſide of the Church of *England*, and ſaid thoſe of the Separation were good men, but they had *narrow Souls*, who would break the Peace of the Church, about ſuch inconſiderable matters, as the points in difference were.

He ſcarce ever medled in State Intrigues, yet upon a Propoſition that was ſet on foot by the *Lord Keeper Bridgeman*, for a *Comprehenſion* of the more moderate Diſſenters, and a *limited Indulgence* towards ſuch as could not be brought within the Comprehenſion, he diſpenſed with his Maxime, of *avoiding to ingage in matters of State*.

There

There were several Meetings upon that occasion. The *Divine* of the *Church* of *England* that appeared most considerably for it, was Doctor *Wilkins*, afterwards promoted to the Bishoprick of *Chester*, a Man of as great a Mind, as true a Judgment, as Eminent Virtues, and of as good a Soul, as any I ever knew. He being determined as well by his excellent temper, as by his foresight and prudence, by which he early perceived the great prejudices that Religion received, and the vast dangers the *Reformation* was like to fall under by those Divisions; set about that project with the Magnanimity that was indeed peculiar to himself; for though he was much Censured by many of his own side, and seconded by very few, yet he pushed it as far as he could. After several Conferences with two of the Eminentest of the Presbyterian Divines, *Heads* were agreed on, some Abatements were to be made, and *Explanations* were to be accepted of. The particulars of that Project being thus

thus concerted, they were brought to the *Lord Chief Baron*, who put them in form of a Bill, to be preſented to the next Seſſions of Parliament.

But two Parties appeared vigorouſly againſt this Deſign, the one was of ſome zealous Clergy-men, who thought it below the Dignity of the *Church* to alter Laws, and change Settlements for the ſake of ſome whom they eſteemed *Schiſmaticks*: They alſo believed, it was better to keep them out of the *Church*, than bring them into it, ſince a *Faction* upon that would ariſe in the *Church*, which they thought might be more dangerous than the Schiſm it ſelf was. Beſides they ſaid, if ſome things were now to be changed in Compliance with the humour of a Party, as ſoon as that was done, another Party might demand *other Conceſſions*, and there might be as good Reaſons invented for theſe, as for thoſe. Many ſuch Conceſſions might alſo ſhake thoſe of our own Communion, and tempt them to forſake us, and go over

ver to the *Church* of *Rome*, pretending that we changed so often, that they were thereby inclined to be of a *Church* that was *constant* and *true* to her self. These were the Reasons brought, and chiefly insisted on against all *Comprehension*; and they wrought upon the *greater part* of the House of Commons, so that they passed a Vote against the receiving of any Bill for that Effect.

There were others that opposed it upon very different ends: They designed to shelter the *Papists* from the *Execution* of the Law, and saw clearly that nothing could bring in *Popery* so well as a *Toleration*. But to tolerate *Popery* bare-faced, would have startled the Nation too much; so it was necessary to hinder all the Propositions for Union, since the keeping up the differences was the best Colour they could find, for getting the Tolleration to pass only as a slackning the Laws against Dissenters, whose Numbers and Wealth made it adviseable to have some regard to them; and

and under this pretence *Popery* might have crept in more covered, and leſs regarded: So theſe Councils being more acceptable to ſome concealed *Papiſts* then in great Power, as has ſince appeared but too evidently, the whole Project for *Comprehenſion* was let fall, and thoſe who had ſet it on foot, came to be looked on with an ill eye, as *ſecret Favourers* of the Diſſenters, *Underminers* of the *Church*, and every thing elſe that jealouſie and diſtaſt could caſt on them.

But upon this occaſion the *Lord Chief Baron*, and Dr. *Wilkins*, came to contract a firm and familiar Friendſhip; and the *Lord Chief Baron* having much buſineſs, and little time to ſpare, did, to enjoy the other the more, what he had ſcarce ever done before, he went ſometimes to Dine with him. And though he lived in great Friendſhip with ſome other eminent Clergymen, Dr. *Ward*, Biſhop of *Salisbury*; Dr. *Barlow*, Biſhop of *Lincoln*; Dr. *Barrow*, late Maſter of *Trinity* Colledg; Dr. *Tillotſon* Dean of *Canter-*

terbury; and Dr. *Stillingfleet*, Dean of S. *Pauls*, (Men so well known, and so much esteemed, that as it was no wonder the *Lord Chief Baron* valued their Conversation highly, so those of them that are yet alive will think it no lessening of the Character they are so deservedly in, that they are reckoned among *Judg Hale*'s Friends) yet there was an intimacy and freedom in his converse with Bishop *Wilkins* that was singular to him alone: He had during the late Wars, lived in a long and entire Friendship with the Apostolical Primate of *Ireland* Bishop *Usher*: their curious searches into Antiquity, and the Sympathy of both their Tempers led them to a great Agreement almost in every thing. He held also great Conversation with Mr. *Baxter*, who was his Neighbour at *Acton*, on whom he looked as a Person of great Devotion and Piety, and of a very subtile and quick apprehension: their Conversation lay most in *Metaphysical* and *abstracted Idea's* aud *Schemes*.

He looked with great sorrow on the Im-

mpiety and Atheiſm of the Age, and o he ſet himſelf to oppoſe it, not nely by the ſhining Example of his wn Life, but by engaging in a Cauſe, hat indeed could hardly fall into bet-er hands: And as he could not find a ubject more worthy of himſelf, ſo here were few in the Age that under-tood it ſo well, and could manage it nore skilfully. The occaſion that firſt ed him to write about it, was this. He vas a ſtrict Obſerver of the Lord's lay, in which, beſides his conſtancy n the publick Worſhip of God, he uſed to call all his Family together, nd repeat to them the Heads of the ermons, with ſome Additions of his wn, which fitted for their Capacities, nd Circumſtances, and that being one, he had a cuſtom of ſhutting imſelf up for two or three hours, which he either ſpent in his ſecret De-otions, or on ſuch profitable medita-ions as did then occur to his thoughts: He writ them with the ſame ſimplicity hat he for med them in his mind, with-ut any art, or ſo much as a thought

to

to let them be published: He never corrected them, but laid them by when he had finished them, having intended onely to *fix* and preserve his own reflections in them; so that he used no care to polish them, or make the first draught perfecter than when they fell from his Pen: These fell into the hands of a worthy Person, and he judging, as well he might, that the communicating them to the World might be a publick service, printed two Volumes of them in Octavo a little before the Author's Death, Containing his

CONTEMPLATIONS.

I. *Of our latter end.*
II. *Of Wisdom and the fear of God.*
III. *Of the knowledg of Christ Crucified.*
IV. *The Victory of faith over the World.*
V. *Of Humility.*
VI. *Jacob's Vow.*
VII. *Of Contentation.*

VIII. O

VIII. *Of Afflictions.*
IX. *A good method to entertain unſtable and troubleſom Times.*
X. *Changes and Troubles, a Poem.*
XI. *Of the Redemption of Time.*
XII. *The great Audit.*
XIII. *Directions touching keeping the Lord's Day, in a Letter to his Children.*
XIV. *Poems written upon Chriſtmaſs-day.*

In the 2d. Volume.

I. *An Enquiry touching Happineſs.*
II. *Of the Chief End of Man.*
III. *Upon* 12 Eccleſ. 1. *Remember thy Creator,* &c.
IV. *Upon the* 51 Pſal. v. 10. *Create a clean heart in me, with a Poem.*
V. *The folly and miſchief of Sin.*
VI. *Of ſelf-denial.*
VII. *Motives to Watchfulneſs, in reference to the Good and Evil Angels.*
VIII. *Of Moderation of the Affections.*

IX. *Of*

IX. *Of Worldly Hope and Expectation.*

X. *Upon* 13. Heb. 14. *We have here no Continuing City.*

XI. *Of Contentedness and Patience.*

XII. *Of Moderation of Anger.*

XIII. *A Preparative against Afflictions.*

XIV. *Of Submission, Prayer, and Thanksgiving.*

XV. *Of Prayer and Thanksgiving on* Psal. 116. 12.

XVI. *Meditations on the Lord's Prayer, with a Paraphase upon it.*

In them there appears a generous and true Spirit of Religion, mixt with most serious and fervent Devotion, and perhaps with the more advantage, that the Stile wants some correction, which shews they were the genuine Productions of an excellent Mind, entertaining it self in secret with such Contemplations. The Stile is clear and Masculine, in a due temper between flatness and affectation, in which he expresses his thoughts both easily and

and decently: In writing these Discourses, having run over most of the Subjects that his own Circumstances led him chiefly to consider, he began to be in some pain to chuse new Arguments; and therefore resolved to *fix* on a Theam that should hold him longer.

He was soon determined in his Choice, by the immortal and irreligious Principles and Practices, that had so long *vexed* his righteous Soul; and therefore began a great design against Gtheism, the first Part of which is onely printed, of the *Origination* of *Mankind*, designed to prove the *Creation* of the *World*, and the *Truth* of the *Mosaical History*.

The Second Part was of the *Nature* of the *Soul*, and of a *future State*.

The Third Part was concerning the *Attributes* of *God*, both from the *abstracted Idea's* of him, and the of *Nature*; the *Evidence of Providence*, the *Notions* of *Morality*, and the *Voice* of *Conscience*.

And the Fourth Part was coucern-

ing the *Truth and Authority of the Scriptures*, with *Answers* to the *Objections* against them: On writing these he spent seven years. He wrote them with so much Consideration, that one who perused the Original under his own hand, which was the first draught of it, told me, he did not remember of any considerable alteration, perhaps not of twenty words in the whole Work.

The way of his writing them, only on the Evenings of the *Lord's Day* when he was in Town, and not much oftner when he was in the Country made, that they are not so contracted as it is very likely he would have writ them, if he had been more at leisure to have brought his thoughts into a narrower compass, and fewer words.

But making some Allowance for the largeness of the Stile, that Volume that is Printed, is generally acknowledged to be one of the perfectest Pieces both of Learning and Reasoning that has been writ on that Subject: and he who read a great Part of the other Volumes told me they were

all of a Piece with the first.

When he had finished this Work, he sent it by an unknown hand to Bishop *Wilkins*, to desire his Judgment of it; But he that brought it, would give no other Account of the Author, but *that he was not a Clergy man.* The Bishop, and his worthy Friend Dr. *Tillotson*, read a great deal of it with much pleasure, but could not imagine who could be the Author, and how a Man that was Master of so much Reason, and so great a variety of Knowledge, should be so unknown to them, that they could not find him out, by those Characters, which are so little Common. At last Dr. *Tillotson* guessed it must be the Lord Chief Baron, to which the other presently agreed, wondring he had been so long in finding it out. So they went immediately to him, and the Bishop thanking him for the Entertainment he had received from his Works, he blushed extreamly, not without some displeasure, apprehending that the Person he had trusted had discovered him. But the Bishop soon cleared that, and told

him, *he had discovered himself, for the Learning of that Book was so various, that none but he could be the Author of it.* And that Bishop having a freedom in delivering his opinion of things and Persons, which perhaps few ever managed both with so much Plainness and Prudence, told him, *There was nothing could be better said on these Arguments, if he could bring it into a less compass, but if he had not leisure for that, he thought it much better to have it come out, though a little too large, than that the World should be deprived of the good which it must needs do.* But our *Judge*, had never the opportunities of revising it, so a little before his Death, he sent the first part of it to the Press.

In the beginning of it, he gives an *Essay* of his Excellent way of *Methodizing* things, in which he was so great a Master, that whatever he undertook, he would presently cast into so perfect a Scheme, the he could never afterward Correct it: He runs out Copiously upon the Argument of the *Impossibility* of an *Eternal Succession* of Time, to shew

that

that *Time* and *Eternity* are inconſiſtent one with another; And that therefore all *Duration* that was paſt, and defined by *Time*, could not be from *Eternity*, and he ſhews the difference between *ſucceſſive Eternity*, already paſt, and one to come; So that though the latter is poſſible, the former is not ſo; for all the parts of the former have actually been, and therefore being defined by *Time*, cannot be *Eternal*; whereas the other are ſtill future to all *Eternity*, ſo that this reaſoning cannot be turned to prove the *poſſibility of Eternal Succeſſions, that have been*, as well as *Eternal Succeſſions that ſhall be*. This he followed with a Strength I never met with in any that managed it before him.

He brings next all thoſe Moral Arguments, to prove *that the World had a Beginning*; agreeing to the Account *Moſes* gives of it, as that no *Hiſtory* riſes higher, than near the Time of the *Deluge*; and that the firſt *Foundation* of Kingdoms, the *Invention* of Arts, the *Beginnings* of all Religions, the *gradual Plantation* of the World,

and *Increaſe* of Mankind, and the *Conſent* of Nations do agree with it. In managing theſe, as he ſhews *profound skill* both in *Hiſtorical*, and *Philoſophical* Learning, ſo he gives a Noble *Diſcovery* of his great Candor and Probity, that he would not impoſe on the Reader with a falſe ſhew of reaſoning by Arguments, that he knew had Flaws in them; and therefore upon every one of theſe, he adds ſuch Allays, as in a great meaſure leſſened and took off their force, with as much exactneſs of Judgment, and ſtrictneſs of Cenſure, as if he had been ſet to Plead for the other Side; And indeed Sums up the whole Evidence for Religion, as impartially as ever he did in a Tryal for Life or Death to the *Jury*; which how equally and judiciouſly he always did, the whole Nation well knows.

After that, he examines the *Ancient Opinions* of the *Philoſophers*, and enlarges with a great variety of curious Reflections in anſwering that onely Argument, that has any appearance of ſtrength for the *Caſual* Production of Man.

Man, from the *origination* of *Insects* out of *putrified Matter*, as is commonly supposed, and he concluded the Book, shewing how *Rational* and *Philosophical* the Account which *Moses* gives of it is. There is in it all a sagacity & quickness of Thought, mixed with great and curious Learning, that I confess I never met together in any other Book on that Subject: Among other Conjectures, one he gives concerning the Deluge, is, *that he did not think the Face of the Earth and the Waters, were altogether the same before the Universal Deluge, and after: But possibly the Face of the Earth was more even than now it is: The Seas possibly more dilated and extended, and not so deep as now:* And a little after, *possibly the Seas have undermined much of the appearing Continent of Earth.* This I the rather take notice of, because it hath been since his Death, made out in a most Ingenious, and most Elegantly Writ Book, by Mr. *Burnet* of *Christ's Colledg* in *Cambridg*, who has given such an *Essay* towards the proving the *possibility* of an *uni-*

verſal Deluge, and from thence, has Collected with great Sagacity what *Paradiſe* was before it, as has not been offered by any *Philoſopher* before him.

While the *Judg* was thus employing his time, the *Lord Chief Juſtice Keyling* dying, he was on the 18th. of *May* 1671, promoted to be *Lord Chief Juſtice* of *England*. He had made the *Pleas of the Crown* one of his Chief Studies, and by much ſearch, aud long obſervation, had Compoſed that *great Work* concerning them, formerly mentioned: He that holds the high Office of *Juſticiary* in that Court, being the Chief Truſtee, and Aſſertor of the Liberties of his Country; all People applauded this Choice, and thought their Liberties could not be better depoſited than in the hands of one, that as he underſtood them well, ſo he had all the juſtice and courage, that ſo Sacred Truſt required. One thing was much obſerved and commended in him, that when there was a great *Inequality* in the *Ability* and *Learning* of the Coun-

cellors

cellors that were to Plead one againſt another: he thought it became him, as the Judg, to ſupply that; ſo he would *enforce* what the weaker managed but *indifferently*, and not ſuffer the more *Learned* to carry the Buſineſs by the *Advantage* they had over the others in their *quickneſs* and *skill* in Law, and *readineſs* in Pleading, till all things were cleared in which the *Merits* and *Strength* of the ill defended Cauſe lay. He was not ſatisfied barely to give his Judgment in Cauſes, but did eſpecially in all intricate ones, give ſuch an Account of the Reaſons that prevailed with him, that the Council did not onely acquieſce in his Authority, but were ſo convinced by his Reaſons, that I have heard many profeſs, that he brought them often to change their opinions; ſo that his giving of judgment was really a learned Lecture upon that point of Law: and which was yet more, the Parties themſelves, tho' Intereſt does too commonly corrupt the Judgment, were generally ſatisfied with the juſtice of his deciſions, e-

ven when they were made against them. His impartial Justice, and great Diligence, drew the Chief Practice after him, into whatsoever Court he came: since, though the Courts of the *Common Pleas*, the *Exchequer*, and the *Kings-Bench*, are appointed for the Tryal of Causes of different Natures, yet it is ease to bring most Causes into any of them, as the Counsel or Attornyes please; so as he had drawn the business much after him, both into the *Common Pleas*, and the *Exchequer*, it now followed him into the *Kings-Bench*, and many Causes that were depending in the *Exchequer* and not determined, were let fall there, and brought again before him in the Court to which he was now removed. And here did he spend the rest of his publick Life and Employment: But about four years and a half after this Advancement, he who had hitherto enjoyed a firm and vigorous Health, to which his great Temperance and the Equality of his Mind, did not a little conduce, was on a sudden brought very low by an Inflamation

flamation in his Midriff, which in two days time broke the Conſtitution of his Health to ſuch a degree, that he never recovered it: He became ſo Aſthmatical, that with great difficulty he could ſcarce fetch his Breath, that determined in a Dropſie, of which he afterwads died. He underſtood Phyſick ſo well, that conſidering his Age, he concluded his Diſtemper muſt carry him off in a little time, and therefore he reſolved to have ſome of the laſt Moneths of his Life reſerved to himſelf, that being freed of all Worldly Cares, he miht be preparing for his Change: He was alſo ſo much diſabled in his Body, that he could hardly, though ſupported by his Servants, walk through *Weſtminſter-Hall*, or endure the Toil of Buſineſs; he had been a long time wearied with the diſtractions that his Employment had brought on him, and his Profeſſion was become ungrateful to him; he loved to apply himſelf wholly to better Purpoſes, as will appear by a Paper that he writ on this Subject, which I ſhall here inſert.

Firſt,

First, If I consider the Business of my Profession, whether as an Advocate, or as a Judg, it is true I do acknowledg by the Institution of Almighty God, and the Dispensation of his Providence, I am bound to Industry and Fidelity in it: and as it is an Act of Obedience unto his Will, it carries with it some things of Religious Duty, and I may, and do take comfort in it, and expect a Reward of my Obedience to him, and the good I do to Mankind therein, from the bounty and beneficence and promise of Almighty God; and it is true also that without such Employments, civil Societies cannot be supported, and great good redounds to Mankind from them; and in these respects the Conscience of my own Industry, Fidelity and Integrity in them, is a great comfort and satisfaction to me. But yet this I must say concerning these Employments, considered simply in themselves, that they are very full of Cares, Anxieties and Perturbations.

Secondly, That though they are beneficial to others, yet they are of the least benefit to him that is employed in them.

Thirdly,

Thirdly, That they do necessarily involve the Party, whose Office it is, in great Dangers, Difficulties, and Calumnies.

Fourthly, That they onely serve for the Meridian of this Life, which is short and uncertain.

Fifthly, That though it be my Duty, faithfully to serve in them, while I am called to them, and till I am duly called from them; yet they are great consumers of that little time we have here, which as it seems to me, might be better spent in a pious contemplative Life, and a due provision for Eternity: I do not know a better temporal Employment than Martha *had, in testifying her Love and Duty to our Saviour, by making provision for him; yet our Lord tells her, That though she was troubled about many things, there was onely one thing necessary, and* Mary *had chosen the better part.*

By this the Reader will see that he continued in his Station upon no other Consideration, but that being set in it by the *providence* of God, he judged he could not abandon that Post which was

was assigned him, without preferring his own *private Inclination* to the *Choice* God had made for him; but now that same Providence have by this *great Distemper* disengaged him from the *Obligation* of holding a Place, which he was no longer able to *discharge*, he resolved to resign it: This was no sooner surmised abroad, than it drew upon him the Importunities of all his Friends and the clamour of the whole Town to divert him from it, but all was to no purpose; there was but one Argument that could move him, which was *that he was obliged to continue in the Imployment God had put him in for the good of the publick*; but to this he had such an Answer, that even those who were most concerned in his withdrawing, could not but see, that the reasons inducing him to it, were but too strong; so he made Applications to his *Majesty* for his *Writ of Ease*, which the *King* was very unwilling to grant him, and offered to let him hold his place still, he doing what business he could in his Chamber; but he said, *he could not with*

with a good conſcience continue in it, ſince he was no longer able to diſcharge the *Duty* belonging to it.

But yet ſuch was the General Satisfaction which all the Kingdom received by his excellent Adminiſtration of Juſtice, that the King, though he could not well deny his Requeſt, yet he *deferred* the Granting of it as long as was poſſible: Nor could the *Lord Chancellor* be prevailed with to move the King to haſten his Diſcharge, though the *Chief Juſtice* often preſſed him to it.

At laſt having wearied himſelf, and all his Friends, with his importunate deſires and growing ſenſibly weaker in Body, he did upon the 21*th*. day of *February*, 28. *Car*. 2. *Anno Dom*. 167⅞. go before a *Maſter* of the *Chancery*, with a little Parchment Deed, drawn by Himſelf, and Written all with his own hand, and there Sealed and delivered it, and acknowledged it to be Enrolled, and afterwards he brought the Original Deed to the *Lord Chancellor*, and did formally ſurrender his Office in theſe words. *Om-*

Omnibus Christi fidelibus ad quos pr
sens Scriptura pervenerit, Matheus Hal
miles Capitalis Justitiarius Domini Reg
ad placita coram ipso Rege tenenda assig
natus Salutem in Domino Sempiternam
Noveritis me prefatum Matheum Hal
militem jam senem factum & Variis Cor
poris mei Senilis morbis & infirmitatibu
dire Laborantem & adhuc Detentum
Hac Chartam ea resignare & sursum red
dire Serenissimo Domino Nostro Carol
Secundo Dei Gratia Angliæ Scotiæ Fran
ciæ & Hiberniæ, Regi, Fidei Defensor
&c. *Predictum Officium Capitalis Justici*
arii ad placita coram ipso Rege tenenda
humillime petens quod hoc Scriptum irrota
letur de Recordo. In cujus rei Testimoni
um huic chartæ meæ Resignationis Sigillum
meum apposui, *Dat. vicesimo primo Die*
Februarii Anno Regni dict. Dom. Regi
nunc Vicesimo Octavo.

He made this Instrument as he told the *L. Chancellor* for two Ends, the one was to shew the World his own *free Concurrence* to his Removal: Another was to obviate an Objection heretofore ma

made *that a Chief Justice being placed by Writ, was not removeable at pleasure, as Judges by Patent were*; Which opinion, as he said, was once held by his Predecessor the *Lord Chief Justice Keyling*, and though he himself were always of another opinion, yet he thought it reasonable to prevent such a Scruple.

He had the day before surrendered to the King in Person, who parted from him with great Grace, wishing him most heartily the *return of his Health*, and assuring him *that he would still look upon him as one of his Judges, and have Recourse to his Advice when his Health would permit, and in the mean time would continue his Pension during his Life.*

The Good man thought this Bounty too great, and an ill Precedent for the King, and therefore Writ a Letter to the *Lord Treasurer*, earnestly desiring that his Pension might be only *during Pleasure*, but the King would grant it for Life, and make it payable Quarterly.

And yet for a whole Month together,

Omnibus Christi fidelibus ad quos præsens Scriptura pervenerit, Matheus Hale, *miles Capitalis Justitiarius Domini Regis ad placita coram ipso Rege tenenda assignatus Salutem in Domino Sempiternam. Noveritis me præfatum* Matheum Hale, *militem jam senem factum & Variis Corporis mei Senilis morbis & infirmitatibus dire Laborantem & adhuc Detentum. Hoc Chartarum ea resignare & sursum reddere Serenissimo Domino Nostro Carolo Secundo Dei Gratia Angliæ Scotiæ Franciæ & Hiberniæ, Regi, Fidei Defensori, &c. Predictum Officium Capitalis Justiciarii ad placita coram ipso Rege tenenda, humillime petens quod hoc Scriptum irrotuletur de Recordo. In cujus rei Testimonium huic chartæ meæ Resignationis Sigillum meum apposui, Dat. vicesimo primo Die Februarii Anno Regni dict. Dom. Regis nunc Vicesimo Octavo.*

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ther, he would not ſuffer his Servant to Sue out his Patent for his penſion, and when the firſt Payment was received, he ordered a great part of it to Charitable Uſes, and ſaid, he intended moſt of it ſhould be ſo Employed as long as it was paid him.

At laſt he happened to Die upon the Quarter day, which was Chriſtmas day, and though this might have given ſome occaſion to a diſpute whither the Penſion for that Quarter were recoverable, yet the King was pleaſed to decide that Matter againſt himſelf, and ordered the Penſion to be paid to his Executors.

As ſoon as he was diſcharged from his great Place, he returned home with as much Chearfulneſs, as his want of Health could admit of, being now eaſed of a Burthen he had been of late groaning under, and ſo made more capable of Enjoying that which he had much wiſhed for, according to his Elegant Tranſlation of, or rather Paraphraſe upon thoſe excellent Lines in *Seneca's Thyeſtes. Act.* 2.

Stet quicunque volet potens,
Aulæ culmine lubrico:
Me dulcis Saturet quies.
Obscuro positus loco,
Leni perfruar otio:
Nullis nota Quiritibus,
Ætas per tacitum fluat.
Sic cum Transierint mei,
Nullo cum Strepitu dies,
Plebeius moriar Senex.
Illi mors gravis incubat,
Qui notus nimis omnibus,
Ignotus moritur sibi.

Let him that will ascend the *Tottering Seat*
Of *our Grandeur*, and become as great

As are his mounting wishes: as for me,
Let sweet *repose and rest* my *portion* be;

Give me some *mean obscure Recess*, a Sphere
Out of the *Road* of *Business*, or the fear

Of

Of *falling Lower*; where I sweetly may
My self and dear retirement still enjoy:

Let not my *Life* or *Name* be known unto
The Grandees of the Time to'st to and fro

By *Censurs* or *Applause*; but let my *Age*
Slide gently *by*, *not overthwart the Stage*

Of *publick Action*, unheard, unseen,
And unconcern'd, as if I near had been.

And thus, while I shall pass *my silent days*
In shady Privacy, free from the *Noise*

And

And *buſtles* of the mad World, then ſhall I
A good old *Innocent Plebeian* die.

Death is a meer *Surpriſe*, a very *Snare*
To him, that makes it his Lifes *greateſt Care*

To be a *publick Pageant*, *known to all*,
But *unacquainted* with *himſelf*, *doth fall.*

Having now attained to that Privacy which he had no leſs ſeriouſly than piouſly wiſhed for, he called all his Servants that had belonged to his Office together, and told them, *he had now laid down his Place, and ſo their Employments were determined*; upon that he adviſed them to ſee for themſelves, and gave to ſome of them very conſiderable Preſents, and to every one of them a Token, and ſo diſmiſſed all thoſe that were not his Domeſticks: He was diſcharged the fifteenth of *Febrnary*, 167⅞, And lived the *Chriſtmas* following, but all the

the while was in so ill a State of Health, that there was no hopes of his Recovery: he continued still to retire often, both for his Devotions and Studies, and as long as he could go, went constantly to his Closet, and when his Infirmities encreased on him, so that he was not able to go thither himself, he made his Servants carry him thither in a Chair. At last, as the Winter came on, he saw with great joy his deliverance approaching, for besides his being weary of the World, and his *longings* for the blessedness of another State, his pains encreased so on him, that no patience inferiour to his could have born them without a great uneasiness of mind; yet he expressed to the last such *submission* to the will of God, and so *equal* a Temper under them, that it was visible then what *mighty effects* his Philosophy and Christianity had on him, in supporting him under *such a heavy Load*.

He could not lie down in Bed above a year before his Death, by reason of the *Asthmah*, but sat, rather than lay in it.

He was attended on in his Sickness, by

by a pious and worthy Divine Mr. *Evan Griffith*, Minister of the Parish; and it was observed that in all the extremities of his pain, whenever he prayed by him, he forbore all complaints or groans, but with his hands and eyes lifted up, was fixed in his Devotions: Not long before his Death, the Minister told him, *there was to be a Sacrament next Sunday at Church, but he believed he could not come and partake with the rest; therefore he would give it to him in his own House:* But he answered, no; *his Heavenly Father had prepared a Feast for him, he would go to his Fathers House to partake of it*: so he made himself be carried thither in his Chair, where he received the Sacrament on his Knees, with great devotion, which it may be supposed was the greater, because he apprehended it was to be his last, and so took it as his *Viaticum* and Provision for his Journey. He had some secret unaccountable Presages of his Death, for he said, *that if he did not die on such a day*, (which fell to be the 25th. of *November*) *he believed he should live a month longer*,

longer, and he died that very day Month. He continued to enjoy the free use of his Reason and Sense to the last Moment, which he had often and earnestly prayed for during his Sickness. And when his Voice was so sunk that he could not be heard, they perceived by the almost constant lifting up of his eyes and hands, that he was still aspiring towards that blessed State of which he was now speedily to be possessed.

He had for many years a particular Devotion for *Christmas-day*, and after he had received the Sacrament, and been in the performance of the publick Worship of that Day, he commonly wrote a Copy of Verses on the Honour of hie Saviour, as a fit expression of the Joy he felt in his Soul, at the return of that glorious Anniversary. There are seventeen of those Copies printed, which he writ on seventeen several *Christmas-days*, by which the World has a Taste of his Poetical Genius, in which if he had thought it worth his time to have Excelled, He might have been Eminent as well as in other things

things; but he Writ them rather to entertain himself, than to merit the Lawrel.

I shall here add one which has not been yet Printed, and it is not unlikely it was the last he Writ; it is a Paraphrase on *Simeon's Song*; I take it from his blotted Copy not at all finished, so the Reader is to make Allowance for any Imperfection he may find in it.

Blessed Creator, who before the Birth
Of Time, or e're the Pillars of the Earth
Were fix't or form'd; didst lay that great
Design.
Of Man's Redemption, and did'st define
In thine Eternal Councels all the Scene
Of that stupendious Business, and when
It should appear, and though the very day
Of its Epiphany, concealed lay
Within thy mind, yet thou wert pleas'd to
show
Some glimpses of it, unto Men below,
In Visions, Types, and Prophesies, as we
Things at a distance in Perspective see:
But thou wert pleas'd to let thy Servant
know
That that Blest hour; that seem'd to move
so slow

Through former Ages, should at last attain
Its time, e're my few Sands, that yet remain
Are spent; and that these Aged Eyes
Should see the day, when Jacob's *Star*
should rise.
And now thou hast fulfil'd it, blessed Lord
Dismiss me now, according to thy word;
And let my Aged Body now return
To Rest, and Dust, and drop into an Urn.
For I have liv'd enough, mine Eyes have seen
Thy much desired Salvation, that hath been
So long, so dearly wish'd, the Joy; the
Hope
Of all the Ancient Patriarchs the Scope
Of all the Prophesies, and Mysteries;
Of all the Types unvail'd, the Histories
Of Jewish *Church unrid'd, and the bright*
And Orient Sun *arisen to give light*
To Gentiles, and the joy of Israel,
The Worlds Redeemer, blest Emanuel.
Let this sight close mine Eyes, 'tis loss to
see,
After this Vision, any sight but Thee:

Thus he used to Sing on the former *Christmas-days*, but now he was to be admitted to bear his part in the new Songs above; so that day which he had spent

ſpent in ſo much Spiritual Joy, proved to be indeed the day of his Jubilee and Deliverance, for between two and three in the Afternoon, he breathed out his Righteous and pious Soul. His End was Peace, he had no ſtraglings, nor ſeem'd to be in any pangs in his laſt Moments. He was Buried on the 4th. of *January*. Mr. *Griffith* Preaching the Funeral Sermon, his Text was the 57 of *Iſa.* 1 *verſe.* The *Righteous periſheth, and no Man layeth it to heart; and Merciful Men are taken away, none conſidring that the Righteous is taken away from the Evil to come.* Which how fitly it was applicable upon this occaſion, all that conſider the courſe of his Life, will eaſily conclude. He was Interred in the Church-yard of *Alderly*, among his Anceſtors; he did not much approve of Burying in Churches, and uſed to ſay *the Churches were for the Living, and the Church-yard for the Dead.* His Monument was like himſelf, decent and plain; the Tomb-ſtone was black Marble, and the ſides were black and white Marble; upon which he himſelf had ordered this bare and humble Inſcription to be made,

HIC INHUMATUR CORPUS
MATTHEI HALE, MILITIS,
ROBERTI HALE, ET *JOANNÆ*
UXORIS EJUS, FILII UNICI,
NATI IN HAC PAROCHIA DE
ALDERLY, PRIMO DIE *NO-*
VEMBRIS, ANNO DOM. 1609.
DENATI VERO IBIDEM VICE-
SIMO QUINTO DIE *DECEM-*
BRIS, ANNO DOM. 1676.
ÆTATIS SUÆ, XLVII.

Having thus given an Account of the most remarkable things of his Life, I am now to present the Reader with such a Character of Him, as the laying his several Virtues together will amount to: in which I know how difficult a Task I undertake; for to Write defectively of him, were to injure Him, and lessen the Memory of one to whom I intend to do all the Right that is in my Power. On the other hand there is so much here to be commended, and proposed for the Imitation of others, that I am affraid some may imagin, I am rather making a Picture of Him, from an abstracted *Idea*

o

of great Virtues, and Perfections, than ſetting him out, as he truly was: But there is great Encouragement in this, that I Write concerning a Man ſo freſh in all peoples Remembrance, that is ſo lately Dead; and was ſo much and ſo well known, that I ſhall have Vouchers, who will be ready to juſtifie me in all that I am to relate, and to ad a great deal to what I can ſay.

It has appeared in the Account of his various Learning, how great his Capacities were, and how much they were improved by conſtant Study: He roſe always early in the Morning, loved to walk much abroad, not only for his Health, but he thought it opened his Mind, and enlarged his thoughts to have the Creation of God before his Eyes. When he ſet himſelf to any Study, he uſed to caſt his deſign in a Scheme, which he did with a great exactneſs of Method; he took nothing on Truſt, but purſued his Enquiries as far as they could go, and as he was humble enough to confeſs his Ignorance, and ſubmit to Myſteries which he could not comprehend, ſo he was not eaſily impoſed on,

by any ſhews of Reaſon, or the Bugbears of vulgar Opinions. He brought all his Knowledge as much to ſcientifical Principals, as he poſſibly could, which made him neglect the Study of Tongues, for the bent of his Mind lay another way. Diſcourſing once of this to ſome, they ſaid, *they looked on the Common Law, as a Study that could not be brought into a Scheme, nor formed into Rational Science, by reaſon of the Indigeſtedneſs of it, and the Multiplicity of the Caſes in it, which rendered it very hard to be underſtood, or reduced into a Method*; But he ſaid, *he was not of their mind*, and ſo quickly after, he drew with his own hand, a Scheme of the whole Order and Parts of it, in a large ſheet of Paper, to the great Satisfaction of thoſe to whom he ſent it. Upon this hint, ſome preſſed him to Compile a Body of the Engliſh Law; It could hardly ever be done by a Man who knew it better, and would with more Judgment and Induſtry have put it into Method; But he ſaid, *as it was a Great and Noble Deſign, which would be of vaſt Advantage to the Nation; ſo it was too much for a private Man to undertake. It*

was not to be Entred upon, but by the Command of a Prince, and with the Communicated Endeavours of ſome of the moſt Eminent of the Profeſſion.

He had great vivacity in his Fancy, as may appear by his Inclination to *Poetry*, and the lively Illuſtrations, and many tender ſtrains in his Contemplations; But he look't on Eloquence and Wit, as things to be uſed very chaſtly, in ſerious Matters, which ſhould come under a ſevcrer Inquiry: Therefore he was both, when at the *Bar*, and on the *Bench*, a great Enemy to all Eloquence or Rhetorick in Pleading: He ſaid, *if the Judge or Jury had a right underſtanding, it ſignified nothing, but a waſte of Time, and loſs of the words; and if they were weak and eaſily wrought on, it was a more decent way of corrupting them, by bribing their Fancies, and biaſſing their Affections*; And wondered much at that affectation of the *French Lawyers* in imitating the *Roman Orators* in their Pleadings. For the Oratory of the *Romans*, was occaſioned by their Popular Government and the Factions of the *City*, ſo that thoſe who intended to excell in

the Pleading of Cauſes, were trained up in the Schools of the *Rhetors*, till they became ready and expert in that luſcious way of Diſcourſe. It is true, the Compoſures of ſuch a Man as *Tully* was, who mixed an extraordinary Quickneſs, an exact Judgement, and a juſt Decorum with his skill in *Rhetorick*, do ſtill entertain the Readers of them with great Pleaſure: But at the ſame time, it muſt be acknowledged, that there is not that cloſeneſs of Reaſoning, nor that juſtneſs of Figures in his *Orations*, that is in his other Writings; So that a great deal was ſaid by him, rather becauſe he knew it would be acceptable to his Auditors, than that is was approved of by himſelf; and all who read them, will acknowledg, they are better pleaſed with them as *Eſſays* of *Wit* and *Style*, then as *Pleadings*, by which ſuch a *Judge* as ours was, would not be much wrought on. And if there are ſuch Grounds to cenſure the perſormances of the greateſt Maſter in Eloquence, we may eaſily infer what nauſeous Diſcourſes the other Orators made, ſince in *Oratory* as well as in *Poetry*, none can do *Indifferently*. So our

Judg

Judge wondred to find the *French*, that live under a *Monarchy*, so fond of imitating that which was an ill Effect of the *Popular Government* of *Rome*: He therefore pleaded himself always in few words, and home to the Point: And when he was a *Judge*, he held those that Pleaded before him, to be the main Hing of the Busines; and cut them short when they made Excursions about Circumstances of no Moment; by which he saved much time, and made the cheif Difficulties be well Stated and Cleared.

There was another *Custom* among the *Romans*, which he as much admired as he despised their *Rhethorick*, which was that the *Juris-Consults* were the Men of the highest Quality, who were bred to be capable of the cheif Imployment in the State, and became the great Masters of their Law: These gave their opinions of all *Cases* that were put to them freely, judging it below them to take any present for it; And indeed they were only the true Lawyers among them, whose Resolutions were of that Authority, that they made one *Classis* of those *Ma-*

terials out of which *Trebonian* compiled *Digests* under *Justinian*; for the Orators or *Causidici* that Pleaded Causes, knew little of the Law, and only imployed their mercenary Tongues, to work on the Affections of the People and Senate or the Pretors: Even in most of *Tullies Orations* there is little of Law and that little which they might sprinkle in their Declamations, they had not from their own Knowledg, but the Resolution of some *Juris-Consult*: According to that famous Story of *Servius Sulpitius*, who was a Celebrated Orator, and being to receive the Resolution of one of those that were Learned in the Law, was so *Ignorant*, that he could not understand it; Upon which the *Juris-Consult* reproached him and said, *it was a shame for him that was a Nobleman a Senator, and a Pleader of Causes, to be thus Ignorant of Law:* This touched him so sensible, that he set a bout the Study of it, and became one of the most Eminent *Juris Consults* that ever were at *Rome*. Our *Judg* thought it might become the greatness of a *Prince*, to encourage such a sort of Men, and of Studies; in which none in

the

the Age he lived in was equal to the great *Selden*, who was truly in our *Engliſh* Law, what the old *Roman Juris-Conſults* were in theirs.

But where a decent Eloquence was allowable, *Judge Hale* knew how to have excelled as much as any, either in illuſtrating Reaſonings, by proper and well purſued Similies, or by ſuch tender expreſſions as might work moſt on the Affections, ſo that the preſent *Lord Chancellor*, has often ſaid of him ſince his Death, *that he was the Gaeateſt Orator he had known*; for though his words came not fluently from him, yet when they were out, they were the moſt Significant, and Expreſſive, that the Matter could bear: Of this ſort there are many in his *Contemplations* made to quicken his own Devotion, which have a Life in them becoming him that uſed them, and a ſoftneſs fit to melt even the harſheſt Tempers, accommodated to the Gravity of the Subject, and apt to excite warm thoughts in the Readers that as they ſhew his excellent Temper that brought them out, and applied them to himſelf, ſo they are of great

great uſe to all, who would both *Inform* and quicken their Minds. Of his *Illuſtration* of things by proper *Similies*, *I* ſhall give a large inſtance out of his Book of the *Origination of Mankind*, deſigned to expoſe the ſeveral different *Hypotheſes* the Philoſophers fell on concerning the *Eternity* and *Original* of the *Univerſe*, and to prefer the *Account* given by *Moſes*, to all their *Conjectures*; in which, if my Taſte does not miſguide me, the Reader will find a rare and very agreeable mixture, both of fine Wit, and ſolid Learning and Judgment.

That which may illuſtrate my Meaning in this preference of the *revealed Light* of the *Holy Scriptures*, touching this Matter, above the *Eſſays* of a *Philoſophical Imagination*, may be this. *Suppoſe* that *Greece* being unacquainted with the Curioſity of Mechanical Engins, though known in ſome remote Region of the World, and that an excellent Artiſt had ſecretly brought and depoſited in ſome Field or Foreſt, ſome excellent Watch or Clock, which had been ſo formed, that the Original of its

its Motiou were Hidden, and Involved in ſome cloſe contrived piece of Mechaniſm, that this Watch was ſo framed, that the Motion thereof might have laſted a Year, or ſome ſuch time as might give a reaſonable Period for their Philoſophical deſcanting concerning it, and that in the plain Table there had been not only the Diſcription and *Indication* of Hours, but the Configurations and *Indications* of the various Phaſes of the Moon, the motion and place of the Sun in the Ecliptick, and divers other curious *Indications* of Celeſtial Motions, and that the Scholars of the ſeveral *Schools*, of *Epicurus*, of *Ariſtotle*, of *Plato*, and the reſt of thoſe Philoſophical Sects, had caſually in their Walk, found this Admirable *Automaton*; what kind of Work would there have been made by every *Sect*, in giving an account of this Phenomenon? We ſhould have had the *Epicurean Sect*, have told the Byſtanders according to their preconceived Hypotheſis, *that this was nothing elſe but an accidental concretion of Atoms, that happily fallen together had made up the Index, the Wheels,*

and

and the Ballance, and that being happily fallen into this Posture, they were put into Motion. Then the *Carteſian* falls in with him, as to the main of their Suppoſition, but tells him, *that he doth not ſufficiently explicate how the* Engin *is put into Motion and therefore to furniſh this Motion, there is a certain* Materia Subtilis *that pervades this Engin, and the Moveable parts, conſiſting of certain Globular Atoms apt for Motion; they are thereby, and by the Mobility of the Globular Atoms put into Motion.* A Third finding fault with the two former, becauſe *theſe Motions are ſo regular*, and *do expreſs the various Phenomena of the diſtribution of Time, and of the Heavenly Motions*; therefore it ſeems to him, that *this Engin and Motion alſo, ſo Analogical to the Motions of the Heavens, was wrought by ſome admirable conjunction of the Heavenly Bodies, which formed this Inſtrument and its Motions, in ſuch an admirable Correſpondency to its own Exiſtence.* A Fourth, diſliking the ſuppoſitions of the three former, tells the reſt, *that he hath a more plain and evident Solution of the Phenomenon, namely, The univerſal Soul*

of

of the World or Spirit of Nature, that formed ſo many ſorts of Inſects with ſo many Organs, Faculties, and ſuch congruity of their whole compoſition, and ſuch curious and various Motions as we may obſerve in them, hath formed and ſet into Motion this admirable Automaton and regulated and ordered it, with all theſe congruities we ſee in it. Then ſteps in an *Ariſtotelian*, and being diſſatisfied with all the former Solutions, tells them, *Gentlemen, you are all miſtaken, your Solutions are Inexplicable and Unſatisfactory, you have taken up certain precarious Hypotheſes, and being prepoſſeſſed with theſe Creatures of your own fancies, and in love with them, right or wrong, you from all your Conceptions of things according to thoſe fancied and preconceived Imaginations. The ſhort of the Buſineſs is this* Machina *is eternal; and ſo are all the Motions of it, and in as much as a Circular Motion hath no beginning or end, this Motion that you ſee both in the Wheels and Index, and the ſucceſſive Indications of the Celeſtial Motions, is eternal, and without beginning. And this is a ready and expedite way of ſolving the Phenomena, with-*

without ſo much ado as you have made about it.

And whilſt all the Maſters were thus contriving, the Solution of the *Phenomenon*, in the hearing of the Artiſt that made it, and when they had all ſpent their Philoſophizing upon it, the Artiſt that made this Engin, and all this while liſtned to their admirable Fancies, tells them, *Gentlemen, you have diſcovered very much Excellency of Invention touching this piece of Work that is before you, but you are all miſerably miſtaken: for it was I that made this Watch, and brought it hither, and I will ſhew you how I made it. Firſt, I wrought the Spring, and Fuſee; and the Wheels, and the Ballance, and the Caſe and Table; I fitted them one to another, and placed theſe ſeveral Axes that are to Direct the Motions, of the Index to diſcover the hour of the Day, of the Figure that diſcovers the Phaſes of the Moon, and the other various Motions that you ſee; and then I put it together, and wound up the Spring, which hath given all theſe Motions, that you ſee in this curious piece of Work, and that you may be ſure I tell you true, I will*

tell

tell you the whole Order and Progreſs of my making, diſpoſing and ordering of this piece of Work; the ſeveral Materials of it, the manner of the forming of every individual part of it, and how long I was about it. This plain and evident diſcovery renders all theſe excogitaed *Hypotheſes* of thoſe Philoſophical *Enthuſiaſts* vain and ridiculous, without any great help of Rhetorical flouriſhes, or Logical confutations. And much of the ſame nature is that diſparity of the *Hypotheſes* of the learned Philoſophers in relation to the Origination of the World and Man after a great deal of duſt raiſed, and fanciful Explications and untelligible *Hypotheſes*: The plain, but Divine Narrative by the hand of *Moſes*, full of Sence, and Congruity, and clearneſs, and Reaſonableneſs in it ſelf, does at the ſame Moment give us a true and clear diſcovery of this great Myſtery, and renders all the Eſſays of the genarality of the Heathen Philoſophers to be vain, *I*nevident, and indeed inexplicable Theories, the Creatures of Phantaſie, and *I*magination and nothing elſe.]

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As for his *Virtues*, they have appeared ſo Conſpicuous in all the ſeveral Tranſactions and turns of his Life, that it may ſeem needleſs to add any more of them than has been already related, but there are many *particular Inſtances* which I knew not how to fit to the *ſeveral Years* of his Life, which will give us a clearer and better view of him

He was a *devout* Chriſtian, a *ſincere* Proteſtant, and a *true* Son of the Church of *England*; moderate towards *Diſſenters*, and juſt even to thoſe from whom he differed moſt; which appeared ſignally in the care he took of preſerving the *Quakers*, from that miſchief that was like to fall on them, by *declaring their Marriages void*, and ſo baſtarding their Children; but he conſidered *Marriage* and *Succeſſion* as a *right of Nature*, from which none ought to be barred what miſtake ſoever they might be under, in the Points of *revealed* Religion And therefore in a Trial that was before him, when a *Quaker* was ſued for ſome Debts owing by his Wife before he Married her, and the *Quakers* Councill pretended, *that it was no Mar-*

riage

riage that had past between them, since it was not Solemnised according to the Rules of the Church of England; he declared that he was not willing on his own opinion to make their Children Bastards and give directions to the *Jury* to find it *special*. It was a reflection on the whole Party, that one of them to avoid an Inconveniance he had fain in, thought to have preserved himself by a defence, that if it had been allowed in Law, must have made their whole issue Bastards, and incapable of Succession, and for all their pretended *friendship* to one another; If this *Judg* had not been more their friend, then one of those they so called, their Posterity had been little beholding to them. But he governed himself indeed by the Law of the Gospel of *doing to others, what he would have others do to him* and therefore because he would have thought it a *hardship* not without *Cruelty* if amongst *Papists* all Marriages were nulled which had not been made with all the Ceremonies in the *Roman Ritual*, so he applying this to the case of the *Sectaries*, he thought all Marriages made according

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ing to the ſeveral Perſwaſions of Men, ought to have their Effects in Law.

He uſed conſtantly to worſhip God in his Family, perfroming it always himſelf, if there was no Clergy-man preſent: But as to his *private Exerciſes* in devotion. he took that extraordinary care to keep what he did ſecret, that this part of his Character muſt be defective, except it be acknowledged that his Humility in covering it, commands him much more than the higheſt expreſſions of Devotion could have done.

From the firſt time that the Impreſſions of Religion ſetled deeply in his Mind, He uſed great caution to conceal it: not only in obedience to the Rules given by our *Saviour*, of *Faſting, Praying and giving Alms in Secret*; but from a particular diſtruſt he had of himſelf, for he ſaid he was affarid, he ſhould at ſome time or other, do ſome enormous things, which if he were look't on as a very Religious Man, might caſt a reproach on thy profeſſion of it, and give great advantages to impious Men, to blaſpheme the name

of

of God: *But a Tree is known by its fruit* and he lived not only free of Blemiſhes, or Scandall, but ſhined in all the parts of his Comverſatiou: and perhaps the *diſtruſt* he was in of himſelf contributed not a littel to the *Purity* of his Life. for he being thereby obliged to be more Watchfull over himſelf, and to depend more on the aids of the Sprit of God, no wonder if that humble temper produced thoſe excellent Effects in him.

Hi had a Soul enlarged and raiſed above that mean appetite of *loving Money*, which is generally the *root of all Evil*. He did not take the *profits* that he might have had by his *Practice* for in common Caſes, when thoſe who came to ask his Counſel gave him a Piece, he uſed to give back the half, and ſo made Ten ſhillings his Fee, in ordinary Matters that did not require much time or Study: If he ſaw a Cauſe was *Unjuſt*, he for a great while would not meddle further in it, but to give his Advice that it *was ſo*; If the Parties after that, would go on, they were to ſeek another Councellor; for he would Aſſiſt none in acts of *Injuſtice*: *If* he found

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the Cauſe *doubtful* or *weak* in point of Law, he always adviſed his Clients to *agree their Buſineſs*: Yet afterwards he abated much of the Scrupuloſity he had about Cauſes that appeared at *firſt view* Injuſt, upon this occaſion: There were two Cauſes brought to him, which by the ignorance of the Party or their Attorny, were ſo ill repreſented to him, that they *ſeem'd* to be *very bad*, but he enquiring more narrowly into them, found they were *really very good* and *juſt*; So after this he ſlackned much of his former Strictneſs of refuſing to meddle in Cauſes upon the ill Circumſtances tht appear'd in them at firſt.

In his pleading he abhorred thoſe too common faults of *miſreciting* Evidences, *quoting* Preſidents, or Books *falſly*, or *aſſerting* things *Confidently*; by which *ignorant* Juries, or *weak* Judges, are too often wrought on. He pleaded with the ſame ſincerity that he uſed in other parts of his Life, and uſed to ſay *was as great a diſhonour as a Man was capable of, that for a little Money he was to be hired to ſay or do otherwiſe then he thought* All this he aſcribed to the

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meaſurable deſires of heaping up Wealth, which *corrupted* the Souls of ſome that ſeem'd to be otherwiſe born and made for *great things*. When he was a Practitioner, differences were often referred to him which he ſetled, but would accept of no reward for his Pains, though offered by both Parties together, after the agreement was made; for he ſaid *on thoſe caſes he was made Judge, and a Judge ought to take no Money.* If they told him, *he loſt much of his time in conſidering their Buſineſs, and ſo ought to be acknowledged for it*; his anſwer was (as one that heard it told me,) *Can I ſpend my Time better, than to make Peopel friends, muſt I have no time allowed me to do good in.*

He was naturally a quick man, yet by much Practiſe on himſelf, he ſubdued that to ſuch a degree that he would never run ſuddenly into any Concluſion concerning any Matter of Importance. *Feſtina lente* was his beloved *Motto*, which he ordered to be Ingraven on the Head of his Staff, and was often heard ſay, *that he had obſerved many witty Men run into great Errours, becauſe*

because they did not give themſeves time to think, but the heat of Imagination making ſome Notions appear in good Colours to them, they without ſtaying till that cooled, were violently led by the Impulſe it made on them, where as calm and ſlow Men, who paſs dull in the common eſtimation, could ſearch after Truth and find it out, as with more deliberation, ſo with greater certainty.

He laid aſide the *tenth penny* of all he got for the Poor, and took great care to be well informed of *proper Objects* for his Charities; And after he was a Judge, many of the Perquiſites of his Place, as his Dividend of the Rule and Box money; was ſent by him to the Jayls to diſcharge poor Priſoners, who never knew from whoſe hands their Releif came. It is alſo a Cuſtom for the Marſhall of the *Kings-Bench*, to preſent the Judges of that Court with a peice of Plate for a *New-years-gift*, that for the Cheif Juſtice being larger then the reſt: This he intended to to have refuſed, but the other Judges told him it belonged to his Office, and the refuſing it would be a prejudice to his

Succeſſors.

Succeſſors, ſo he was perſwaded to take it but he ſent word to the Marſhall *that inſtead of Plate, he ſhould bring him the value of it in Money.* and when he received it, he immediately ſent it to the Priſons, for the Releif and diſcharge of the poor there. He uſually invited his poor NeighbourS to Dine with him, and made them ſit at Table with himſelf And if any of them were Sick, ſo that they could not come, he would ſend Meat warm to them from his Table: and he did not only relieve the Poor in his own Pariſh but ſent Supplies to the Naighbouring Pariſhes, as there was accaſion for it And he treated them all with the tenderneſs and familiarity that became one who conſidered they were of the *ſame* Nature with *himſelf*, and were reduced to no other *Neceſſities* but ſuch as he himſelf might be brought to: But for common Beggars, if any of theſe came to him, as he was in his Walks, when he lived in the Country, he would ask ſuch as were Capaple of Working, *why they went about ſo idly;* If they anſwered, *it was becauſe they could find no Work:* he often ſent them to ſome Field, to

gather all the Stones in it, and pay them liberally for their Pains: This being done, he used to send his Carts, and caused them to be carried to such places of the Highway as needed mending.

But when he was in Town, he dealt his Charities very liberally, even among the Street Beggars and when some told him, *that he thereby incouraged Idleness and that most of these were notorious Cheats* he used to answer, *that he believed many of them were such, but among them there were some that were great Objects of Charity, and prest with grievous Necessities: and that he had rather give his Alms to twenty who might be perhaps Rogues then that one of the other sort, should perish for want of that small Reilef which he gave them*

He loved Building much, which he affected chiefly because it imployed many poor People; but one thing was observed in all his Buildings that the changes he made in his House, was always from *Magnificence* to *Usefulness* for he avoided every thing that looked like Pomp or Vanity, even in the Walls of his House he had good Judgement in *Architecture*

and an excellent faculty in contriving well.

He was a *Gentle Ladlord* to all his Tenants, and was ever ready upon any reasonable Complaints, to make Abatements, for he was *Merciful* as well as *Righteous*. One instance of this was, of a Widow that lived in *London*, and had a small Estate near his House in the Country: from which her Rents were ill Returned to her, and at a Cost which she could not well bear: so she bemoaned her self to him, and he according to his readiness to assist all poor People, told her, *he would order his Steward to take up her Rents, and the returning them should cost her nothing* But after that when there was a falling of Rents in that Country, that it was necessary to make abatements to the Tenant; yet he would have it to lie on himself, and made the Widow be paid her Rent as formerly.

Another remarkable instance of his *Justice* and *goodness* was, that when he found ill Money had been put into his hands, he would never suffer it to be vented again; for he thought it

was no excuſe for him to put falſe Money in other Peoples hands, becauſe ſome had put it in his: A great heap of this he had gathered together, for many had ſo far abuſed his Goodneſs, as to mix baſe Money among the Fees that were given him: It is like he intended to have deſtroyed it, but ſome Thieves who had obſerved it, broke into his Chamber and ſtole it thinking they had got a Prize; which he uſed to tell with ſome pleaſure imagining how they found themſelves deceived, when they perceived what ſort of Booty they had fall'n on.

After he was made a *Judge*, he would needs pay more for every Purchaſe he made than it was worth; if it had been but a Horſe he was to Buy, he would have out-bid the Price: and when ſome repreſented to him, *that he made ill Bargains*, he ſaid, *it became Judges to pay more for what they bought, then the true Value; that ſo thoſe with whom they dealt might not think they had any right to their favour, by having ſold ſuch things to them at an eaſie rate:* and ſaid it was ſutable to the Reputation, which a *Judge* ought

to preſerve, to make ſuch Bargains, that the World might ſee they were not too well uſed upon ſome ſecret Account.

In Sum, his Eſtate did ſhew how little he had minded the raiſing a great Fortune, for from a Hundred pound a Year, he raiſed it not quite to Nine Hundred, and of this a very Conſiderable part came in by his ſhare of Mr. *Selden's* Eſtate; yet this conſidering his great Practice while a Counſellour, and his conſtant, frugal and modeſt way of Living, was but ſmall a Fortune: In the ſhare that fell to him by Mr. *Selden's* Will, one memorable thing was done by him, with the other Executors, by which they both ſhewed their regard to their dead Friend, and their Love of the Publick; His Library was valued at ſome Thouſands of pounds, and was believed to be one of the curiouſeſt Collections in Europe: ſo they reſolved to keep this intire, for the Honour of *Selden's* Memory, and gave it to the *Univerſity* of *Oxford*, where a noble Room was added to the former Library for its Reception and all due reſpects have been ſince ſhewed by that Great and Learned

Body, to those their worthy Benefactors who not only parted so generously with this great Treasure, but were a little put to it how to oblige them, without crossing the Will of their dead Friend. *Mr. Selden* had once intended to give his Library to that University, and had left it so by his Will; but having occasion for a Manuscript, which belonged to their Library, they asked of him a Bond of a Thousand pound for its Restitution; this he took so ill at their hands that he struck out that part of his Will by which he had given them his Library, and with some passion declared *they should never have it*: The Executors stuck at this a little, but having considered better of it, came to this Resolution; That they were to be the Executors of Mr. *Selden's* Will, and not of his Passion; so they made good what he had intended in cold Blood, and past over what his Passion had suggested to him.

The parting with so many excellent Books would have been as uneasie to our *Judge*, as any thing of that nature could be, if a pious regard to his friends

Memory

Memory had not prevailed over him; for he valued *Books* and *Manuſcripts* above all things in the World: He himſelf had made a great and rare Collection of *Manuſcripts* belonging to the Law of England; he was Forty years in gathering it: He himſelf ſaid *it coſt him aboue fifteen Hundred pounds* and calls it in his Will, *a Treaſure worth having and keeping, and not fit for every Mans view*; Theſe all he left to *Lincoln's Inn*, and for the Information of thoſe who are curious to ſearch into ſuch things; there ſhall be a Catalogue of them added at the end of this Book.

By all theſe inſtances it does appear. how much he was raiſed above the World, or the love of it. But having thus maſtered things without him, his next Study was to overcome his own Inclinations: He was as he ſaid himſelf *naturally paſſionate*; I add, *as he ſaid himſelf*, for that appeared by no other Evidence, ſave that ſometimes his Colour would riſe a litte; I, but he ſo governed himſelf, that thoſe who lived long about him have told me they never ſaw him diſordered with anger, though he met with

ſome Tryals, that the nature of Man is as little able to bear, as any whatſoever. There was one who did him a great Injury, which it is not neceſſary to mention, who comming afterwards to him for his Advice in the ſettlment of his Eſtate, he gave it very frankly to him, but would accept of one Fee for it, and thereby ſhewed both that he could forgive as a Chriſtian, and that he had the Soul of a Gentleman in him not to take Money of one that had wronged him ſo heinouſly. And when he was asked by one, *who he could uſe a Man ſo kindly that had wronged him ſo much*, his Anſwer was, *he thanked God he had learned to forget Injuries.* And beſides the great temper he expreſſed in all his publick Inploments, in his Family he was a very gentle Maſter: He was tender of all his Servants, he never turned a y away, except they were ſo faulty, that there was no hops of reclaiming them: When any of them had been long out of the way, or had neglected any part of their Duty; he would not ſee them at their firſt coming home, and ſometimes not till the next day, leaſt when his diſpleaſure was quick upon him,

him, he might have chid them indecently; and when he did reprove them, he did it with that ſweetneſs and gravity; that it appeared he was more concerned for their having done a fault, than for the Offence given by it to himſelf: But if they became immoral or unruly, then he turned them away, for he ſaid, *he that by his place ought to puniſh diſorders in other People, muſt by no means ſuffer them in his own Houſe:* He advanced his Servants according to the time they had been about him, and would never give occaſion to Envy among them, by raiſing the younger Clerks above thoſe who had been longer with him. He treated them all with great affection, rather as a Friend, than a Maſter, giving them often good Advice and inſtruction. He made thoſe who had good places under him, give ſome of their profits to the other Servants who had nothing but their wages: When he made his will, he left Legacies to every one of them; but he expreſſed a more particular kindneſs for one of them *Robert Gibbon*, of the *middle Temple*, Eſq; In whom he had that confidence, that

he left him one of his Executors. I the rather mention him, becauſe of his noble Gratitude to his worthy Benefactor and Maſter, for he has been ſo careful to preſerve his memory, that as he ſet thoſe on me, at whoſe deſire I undertook to write his Life; So he has procured for me a great part of thoſe Memorials, and Informations, out of which I have compoſed it.

The *Judge* was of a moſt tender and compaſſionate Nature; this did eminently appear in his Trying and giving Sentence upon Criminals, in which he was ſtrictly careful, that not a circumſtance ſhould be neglected, which might any way clear the Fact: He behaved himſelf with that regard to the Priſoners, which became both the gravity of a *Judge*, and the pity that was due to Men, whoſe Lives lay at Stake, ſo that nothing of jearing or unreaſonable ſeverity ever fell from him. He alſo examined the Witneſſes in the ſofteſt manner, taking care that they ſhould be put under no confuſion, which might diſorder their memory: and he ſummed all the Evidence ſo equally when he charge

charged the Jury, that the Criminals themſelves never complained of him. VVhen it came to him to give Sentence, he did it with that Compoſedneſs and Decency, and his Speeches to the priſoners, directing them to prepare for Death, were ſo weighty, ſo free of all Affectation, and ſo Serious and Devout, that many loved to go to the Tryals, when he ſate *Judge*, to be edified by his Speeches, and behaviour in them, and uſed to ſay, *they heard very few ſuch Sermons.*

But though the pronouncing the Sentence of Death, was the piece of his imployment, that went moſt againſt the Grain with him; yet in that, he could never be molified to any tenderneſs which hindred Juſtice. VVhen he was once preſſed to recommend ſome (whom he had condemned) to his Majeſties Mercy and Pardon; he anſwered he could not think they deſerved a pardon, whom he himſelf had adjudged to die: So that all he would do in that kind, was to give the King a true Account of the Circumſtances of the Fact; after which his Majeſty was to conſider whether

whether he would interpoſe his Mercy, or let Juſtice take place.

His Mercifulneſs extended even to his Beaſts, for when the *Horſes* that he had kept long, grew *Old*, he would not ſuffer them to be ſold, or much wrought, but ordered his Men to turn them looſe on his Grounds, and put them only to eaſie work, ſuch as going to Market and the like; he uſed old Dogs alſo with the ſame care: His Shepherd having one that was become blind with Age, he intended to have killed or loſt him, *but* the *Judge* coming to hear of it, made one of his Servants bring him home, and fed him till he Died: And he was ſcarce ever ſeen more Angry than with one of his Servants, for neglecting a Bird, that he kept, ſo that it died for want of Food.

He was a great incourager of all young Perſons, that he ſaw followed their Books diligently, to whom he uſed to give directions concerning the method of their Study, with a humanity and ſweetneſs, that wrought much on all that came near him: and in a ſmiling pleaſant way, he would admoniſh them,

them, if he ſaw any thing amiſs in them: particularly if they went too fine in their Clothes, he would tell them, *it did not become their Profeſſion*: He was not pleaſed to ſee Students wear long Perriwigs, or Attorneys go with Swords; ſo that ſuch young Men as would not be perſwaded to part with thoſe Vanities, when they went to him laid them aſide, and went as plain as they could, to avoid the reproof which they knew they might otherwiſe expect.

He was very free and communicative in his Diſcourſe, which he moſt commonly fixed on ſome good and uſeful Subject, and loved for an hour or two at Night, to be viſited by ſome of his friends. *He* neither ſaid nor did any thing with Affectation, but uſed a ſimplicity, that was both natural to himſelf, and very eaſie to others: And though he never ſtudied the modes of Civility or Court breeding, yet he knew not what it was to be rude or harſh with any, except he were impertinently addreſſed to in matters of Juſtice, then he would

raiſe

raiſe his Voice a little, and ſo ſhake off thoſe importunities.

In his Furniture, and the ſervice of his Table, and way of Living; he liked the old plainneſs ſo well, that as he would ſet up none of the new Faſhions, ſo he rather affected a Courſeneſs in the uſe of the old ones: which was more the effect of his Philoſophy than diſpoſition, for he loved fine things too much at firſt: He was always of an equal Temper, rather chearful than merry. Many wondered to ſee the evenneſs of his deportment; in ſome very ſad paſſages of his Life.

Having loſt one of his Sons, the manner of whoſe Death had ſome grievous circumſtances in it; One coming to ſee him and Condole, he ſaid to him, *thoſe were the effects of living long, ſuch muſt look to ſee many ſad and unacceptable things*; and having ſaid that, he went to other Diſcourſes with his ordinary freedom of Mind; for though he had a Temper ſo tender, that ſad things were apt enough to make deep impreſſions upon him, yet the regard

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he had to the Wiſdom and providence of God, and the juſt Eſtimate he made of all Eternal things, did to admiration maintain the tranquility of his Mind, and he gave no occaſion by idleneſs to Melancholly to corrupt his Spirit, but by the perpetual bent of his thoughts, he knew well how to divert them from being oppreſſed with the exceſſes of Sorrow.

He had a generous and noble *Idea* of God in his mind, and this he found did above all other Conſiderations preſerve his quiet. And indeed that was ſo well Eſtabliſhed in him, that no accidents, how ſudden ſoever, were obſerved to diſcompoſe him: Of which an Eminent Man of that Profeſſion, gave me this inſtance: In the year 1666, an Opinion did run through the Nation, *that the end of the World would come that year.* This, whether ſet on by Aſtrologers, or advanced by thoſe who thought it might have ſome relation to the *number* of the Beaſt in the *Revelation*, or promoted by Men of ill Deſigns, to diſturb the publick Peace, had ſpread mightily among the people; and

and *Judge Hale* going that Year the *Western* Circuit, it happened, that as he was on the *Bench* at the *Aſſiſes*, a moſt terrible Storm fell out very unexpectedly, accompanied with ſuch flaſhes of Lightning, and claps of Thunder, that the like will hardly fall out in an Age; upon which a whiſper or a rumour run through the Crowd, *that now was the World to end, and the Day of Judgment to begin*, and at this there followed a General Conſternation in the whole Aſſembly, and all Men forgot the Buſineſs they were met about, and betook themſelves to their Prayers: This added to the horror raiſed by the Storm looked very diſmally; inſomuch that my Author, a Man of no ordinary Reſolution, and fitmneſs of mind, confeſſed *it made a great impreſſion on himſelf*. But he told me, *that he did obſerve the Judge was not a whit affected. and was going on with the Buſineſs of the Court in his ordinary manner*; from which he made this concluſion, *that his thoughts were ſo well fixed, that he believed if the World had been really to end, it would have given him no conſiderable diſturbance.*

But

But I ſhall now conclude all that I ſhall ſay concerning him, with what one of the greateſt Men of the profeſſion of the Law, ſent me as an abſtract of the Character he had made of him: upon long obſervation & much converſe with him: It was ſent me, that from thence with the other Materials, I might make ſuch a Repreſentation of him to the World, as he indeed deſerved, but I reſolved not to ſhred it out in parcels, but to ſet it down entirely as it was ſent me, hoping that as the Reader will be much delighted with it, ſo the Noble perſon that ſent it, will not be offended with me for keeping it entire, and ſetting it in the beſt light I could; It begins abruptly, being deſigned to ſupply the defects of others, from whom I had dearlier and more copious Informations.

'He would never be brought to diſcourſe of publick Matters in private Converſation, but in queſtions of Law, when any young Lawyer put a Caſe to him he was very communicative, eſpecially while he was at the Bar: But when he came to the Bench, he grew more reſerv'd, and would never

ver ſuffer his Opinion in any Caſe to be known, till he was obliged to declare it Judicially; And he concealed his Opinion in great Caſes ſo carefully, that the reſt of the Judges in the ſame Court could never perceive it: His reaſon was, becauſe every Judg ought to give Sentence according to his own Perſwaſion and Conſcience, and not to be ſwayed by any reſpect or difference to another Mans Opinion: And by this means it hath happened ſometimes, that when all the Barons of the Exchequer had delivered their Opinions, and agreed in their Reaſons and Arguments; yet he coming to ſpeak laſt, and differing in Judgment from them, hath expreſt himſelf with ſo much Weight and Solidity, that the Barons have immediately retracted their Votes and concurr'd with him. He hath ſat as a Judg in all Courts of Law, and in two of them as Chief, but ſtill where-ever he ſat, all Buſineſs of conſequence followed him, and no Man was content to ſit down by the Judgment of any other Court, till the Caſe were brought

'brought before him, to see whether 'he were of the same mind; And his 'Opinion being once known, Men did 'readily acquiesce in it; and it was 'very rarely seen, that any Man at-'tempted to bring it about again, and 'he that did so, did it upon great dis-'advantages, and was always lookt 'upon as a very contentious person; So 'that what *Cicero* says of *Brutus*, did 'very often happen to him, *Etiam quas 'contra Statuit Æquos placatosque Dimi-'sit.*

'Nor did men reverence his Judgment 'and Opinion in Courts of Law only: 'But his Authority was as great in 'Courts of Equity, and the same re-'spect and submission was paid to him 'there too; and this appeared not on-'ly in his own Court of Equity in the 'Exchequer-Chamber, but in the Chan-'cery too, for thither he was often cal-'led to advise and assist the Lord Chan-'cellor, or Lord Keeper for the time 'being; and if the Cause were of dif-'ficult Examination, or intricated and 'entangled with variety of Settle-'ments, no man ever shewed a more

clear

'clear & diſcerning Judgment: if it were 'of great Value, and great Perſons in-'terreſted in it, no man ever ſhewed 'greater Courage and Integrity in lay-'ing aſide all reſpect of Perſons: When 'he came to deliver his Opinion, he al-'ways put his Diſcourſe in to ſuch a Me-'thod, that one part of it gave light to 'the other, and where the proceedings 'of Chancery might prove Inconvenient 'to the Subject, he never ſpared to ob-'ſerve and reprove them: And from his 'Obſervations and Diſcourſes, the 'Chancery hath taken occaſion' to Eſta-'bliſh many of thoſe Rules by which it 'Governs it ſelf at this day.

'He did look upon Equity as a part 'of the Common-Law, and one of the 'Grounds of it; and therefore as near 'as he could, he did always reduce it to 'certain Rules and Principles, that men 'might Study it as a Science, and not 'think the Adminiſtration of it, had 'any thing arbitrary in it. Thus emi-'nent was this man in every Station, and 'into what Court ſoever he was called, 'he quickly made it appear that he de-'ſerved the chief Seat there.

'As

'As great a Lawyer as he was, he 'would never ſuffer the ſtrictneſs of the 'Law to prevail againſt Conſcience, as 'great a Chancellor as he was, he 'would make uſe of all the Niceties and 'Subtilties in Law, when it tended to 'ſupport Right and Equity. But no-'thing was more admirable in him, 'than his Patience: He did not affect 'the Reputation of Quickneſs and diſ-'patch, by a haſty and Captious hearing 'of the Council: He would bear with the 'meaneſt, and gave every man his full 'ſcope, thinking it much beetter to loſe 'Time than Patience: In ſumming up 'of an Evdience to a Jury, he would 'always require the Barr to interrupt 'him if he did miſtake, and to put him 'in mind of it, if he did forget the leaſt 'Circumſtance; ſome Judges have been 'diſturbed at this as a Rudeneſs; which 'he always looked upon as a Service and 'Reſpect due to him.

'His whole Life was nothing elſe but a 'continual courſe of Labour and Induſt-'ry, and when he could borrow any time 'from the publick Service, it was whol-'ly employed either in Philoſophical or

'Divine

'Divine Meditations, and even that
'was a publick Service too as it hath
'proved; For they have occaſioned his
'Writing of ſuch Treatiſes, as are be-
'come the choiceſt entertainment of
'wiſe and good men, and the World
'hath reaſon to wiſh that more of them
'were Printed: He that conſiders the
'active part of his Life, and with what
'unwearied Diligence and Application
'of Mind, he diſpatched all Mens Buſi-
'neſs which came under his Care, will
'wonder how he could find any time for
'Contemplation: He that conſiders a-
'gain the various Studies he paſt thro-
'row, and the many Collections and Ob-
'ſervations he hath made, may as juſtly
'wonder how he could find any time for
'Action: But no Man can wonder at
'the exemplary Piety and Innocence
'of ſuch a life ſo ſpent as this was
'wherein as he was careful to avoid every
'idle word, ſo 'tis manifeſt he never ſpent
'an idle day. They who came far ſhort
'of this Great Man, will be apt enough
'to think that this is a Panegyrick
'which indeed is a Hiſtory & but a little
part of that Hiſtory which was wri-
gre

'great Truth to be related of him: Men 'who deſpair of attaining ſuch perfecti-'on, are not willing to believe that any 'Man elſe did ever arive at ſuch a 'height.

'*He* was the greateſt Lawyer of the 'Age, and might have had what Pra-'ctice he pleaſed but though he did 'moſt Conſcientiouſly affect the labours 'of his Profeſſion, yet at the ſame time, 'he deſpiſed the Gain of it, and of thoſe 'Profits which he would allow himſelf 'to receive, he always ſet apart a tenth 'Penny for the Poor, which he ever diſ-'penſed with that ſecrecy, that they 'who were relieved, ſeldom or never 'knew their Benefactor: *He* took more 'pains to avoid the *Ho*nours and Pre-'ferments of the Gown, than others do 'to compaſs them. *His* Modeſty was 'beyond all example, for where ſome 'Men who never attained to half his 'Knowledg, have been puſt up with a 'high conceit of themſelves, and have 'affected all occaſions of raiſing their 'own eſteem by depreciating other Men, '*He* on the contrary was the moſt obli-

'ging

'ging Man that ever Practiſed: if a 'young Gentleman happened to be re-'tain'd to argue a point in Law, where 'he was on the contrary ſide, he would 'very often mend the Objections when 'he came to repeat them; and always 'commend the Gentleman if there were 'room for it, and one good word of 'his was of more advantage to a young 'Man, then all the favour of the Court 'could be.

Having thus far purſued his Hiſtory and Character, in the publick and exemplary parts of his Life, without interrupting the thread of the Relation with what was private and Domeſtick, I ſhall conclude with a ſhort account of of theſe.

He was twice Married, his firſt Wife was *Ann* Daughter of Sir *Henry Moor*, of *Faly* in *Berkshire*, Grandchild to sir *Francis Moor*, Serjeant at Law; by her he had ten Children, the four firſt Died young, the other ſix lived to be all Married; And he outlived them all, except his

his eldeſt Daughter, and his youngeſt Son, who are yet alive.

His eldeſt Son *Robert* Married *Frances* the Daughter of Sir *Francis Chock*, of *Avington* in *Berkshire*, and they both dying a little time one after another, left five Children, two Sons *Matthew* and *Gabriel*, and three Daughters, *Ann*, *Mary* and *Frances*, and by the *Judges* advice, they both made him their Executor, ſo he took his Grandchildren into his own Care, and among them he left his Eſtate.

His ſecond Son *Matthew*, Married *Ann* the Daughter of Mr. *Matthew Simmonds* of *Hilſley* in *Glocesterſhire*, who dyed ſoon after, and left one Son behind him named *Mathhew*.

His third Son *Thomas* Married *Rebekah*, the Daughter of *Chriſtian Le Brune*, a Dutch Merchant, and died without Iſſue.

His fourth Son *Edward*, Married *Mary*, the Daughter of *Edward Goodyere*, Eſq; of *Heythorp*, in *Oxfordſhire*, and ſtill lives, he has two Sons, and three Daughters.

His eldeſt Daughter *Mary*, was Mar-

ried to *Edward Alderly*, Son of *Edward Alderly* of *Innishannon*, in the County of *Cork* in *Ireland*, who dying, left her with two Sons and three Daughters; she is since Married to *Edward Stephens*, Son to *Edward Stbphens* Esq; of *Cherington* in *Gloceſterſhire*. His youngeſt Daughter *Elizabeth*, was Married to *Edward Webb*, Esq; Barriſter at Law, she Died leaving two Children, a Son and a Daughter.

His ſecond Wife was *Ann*, the Daughter of Mr. *Joſeph Biſhop* of *Ealy* in *Berkshire*, by whom he had no Children; he gives her a great Character in his Will, as a moſt dutiful, faithful and loving Wife, and therefore truſted the breeding of his Grandchildren to her Care, and left her one of his Executors, to whom he joyned Sir *Robert Jenkinſon*, and Mr. *Gibbon*. So much may ſuffice of thoſe deſcended from him.

In after times, it is not to be doubted but it will be reckoned no ſmall honour to derive from him; And this has made me more particular in reckoning up his Iſſue, I ſhall next give an account of the

Iſſues

Issues of his Mind, his Books that are either Printed, or remain in Manuscript; for the last of these, by his Will, he has forbid the Printing of any of them after his Death, except such as he should give Order for in his Life: but he seems to have changed his Mind afterwards, and to have left it to the discretion of his Executors, which of them might be Printed; for though he does not express that, yet he ordered by a Codicil, *that if any Book of his Writing as well touching the Common Law, as other Subjects should be Printed, then what should be given for the consideration of the Copy, should be divided into ten shares, of which he appointed seven to go among his Servants, and three to those who had Copied them out, and were to look after the Impression.* The reason as I have understood it, that made him so unwilling to have any of his works Printed after his Death, was, *That he apprehended in the Licensing them,* (which was necessary before any Book could be lawfully Printed by a Law then in in force, but since his Death determined) *some things might have been struck out or altered*; which he

had obſerved notwithout ſome indignation, had been done to a part of the *Reports*, of one whom he had much eſteemed.

This in matters of Law, he ſaid, *might prove to be of ſuch miſchievous Conſequence, that he thereupon reſolved none of his Writings, ſhould be at the Mercy of Licenſers*; And therefore becauſe he was not ſure that they ſhould be Publiſhed without Expurgations or Interpolations, he *forbid the Printing any of them*; in which he afterwards made ſome Alteration, at leaſt he gave occaſion by his Codicil. to infer that he altered his mind.

This I have the more fully explained, that his laſt Will may be no way miſunderſtood, and that his worthy Executors, and his hopeful Grand-Children, may not conclude themſelves to be under an indiſpenſible obligation, of depriving the publick of his excellent Writings.

A Catalogue of all his Books that are to be ſold by *William Shrowſbury* at the Sign of the Bible in *Duke-Lane*.

1. THe *primitive Origination of Mankind*, conſidered and examined according to the light of Nature. Fol.
2. *Contemplations Moral* and *Divine*, part. 1. Octavo.
3. *Contemplatiocs Moral* and *Divine*, part 2. Octavo.
4. *Difficiles Nugæ*, or *Obſervations* touching the *Torricellian Experiment*, and the various ſolutions of the ſame, eſpecially touching the *Weight* and *Elaſticity* of the Air. Octavo.
5. An *Eſſay* touching the *Gravitation*, or *Non-Gravitation* of *fluid Bodies*, and the Reaſons thereof. Octavo.
6. *Obſervations* touching the *principles* of *natural Motions*, and eſpecially touching *Rarefaction*, and *Condenſation*; together with a *Reply* to certain *Remarks* touching the *Gravitation* of *Fluids*. Octavo.

7. The *Life* and *Death* of *Pomponius Atticus*, written by his Contemporary and Acquaintance *Cornelius Nepos*, translated out of his Fragments; together with *Observations Political* and *Moral* thereupon. Octavo.
8. *Pleas* of the *Crown*, or a *methodical Summary* of the *principal matters* relating to that *Subject*. Octavo.

Manuscripts of his not yet Published.

1. Concerning the *secondary Origination* of *Mankind*. Fol.
2. Concerning *Religion*, 5 Vol. in Fol. viz.
   1. *De Deo Vox Metaphysica*, pars. 1. & 2.
   2. Pars 3. *Vox Naturæ Providentiæ Ethicæ, Conscientiæ.*
   3. *Liber sextus septimus Octavus.*
   4. Pars 9. Concerning the *H. Scriptures*, their *Evidence* and *Authority*.
   5. Concerning the *Truth* of the

H. Scripture, and the *Evidences* thereof.

3. Of *Policy* in matters of *Religion*. Fol.
4. *De Anima*, to Mr. *B.* Fol.
5. *De Anima*, Tranſactions between him and Mr. *B.* Fol.
6. *Tentamina, deortu, natura & immortalitate Animæ*. Fol.
7. *Magnetiſmus Magneticus*, Fol.
8. *Magnetiſmus Phyſicas*, Fol.
9. *Magnetiſmus Divinus*,
10. *De generatione Animalium & Vegetabilium*, Fol. Lat.
11. Of the *Law* of *Nature*, Fol.
12. A *Letter* of *Advice* to his Grand-Children. Quarto.
13. *Placita Coronæ*, 7 Vol. Fol.
14. *Preparitory Notes* concerning the *Right* of the *Crown*, Fol.
15. *Incepta de Juribus Coronæ*, Fol.
16. *De Prerogativa Regis*, Fol.
17. *Preparatory Notes* touching *Parliamentary proceedings*, 2 Vol. Quarto.
18. Of the *Juriſdiction* of the *Houſe of Lords*, Quarto.
19. Of the *Juriſdiction* of the *Admiralty*.

20. Touching *Ports* and *Customs*, Fol.
21. Of the *Right* of the *Sea* and the *Arms thereof*, and *Customs*, Fol.
22. Concerning the *advancement* of *Trade*, Quarto.
23. Of *Sheriffs Accounts*, Fol.
24. *Copies* of *Evidences*, Fol.
25. Mr. *Seldens Discourses*, Octavo.
26. *Excerpta ex Schedis Seldenianis.*
28. *Journal* of the 12 and 21 *Jacobi Regis*, Quarto.
28. Great *Common-place Book* of *Reports* or *Cases* in the *Law*, in *Law French*, Fol.

IN Bundles.

ON *Quod tibi fieri*, &c. Matth. 7. 12. Touching *Punishments*, in relation to the *Socinian* Controversie.
Policies of the *Church of Rome.*
Concerning the *Laws of England.*
Of the *amendment* of the *Laws of England.*
Touching *Provision for the Poor.*
Upon Mr. *Hobbs* his *Manuscript.*
Concerning the *time* of the *abolition* of the *Jewish Laws.*

In

IN Quarto.

Quod ſit Deus.
Of the *State* and *Condition* of the *Soul* and *Body* after Death.
Notes concerning *matters* of *Law.*

To theſe I ſhall add the Catalogue of the Manuſcripts, which he left to the *Honourable Society of Lincolns-Inn*, with that part of his Will that concerns them.

ITem, *As a teſtimony of my Honour and Reſpect to the Society of* Lincolns Inn, *where I had the greateſt of my Education; I give and bequeath to that Honorable Society the ſeveral Manuſcript Books, contained in a Schedule annexed to to my Will: They are a Treaſure worth having and keeping, which I have been near Forty years in gathering, with very great*

Industry and Expence: My desire is, that they be kept safe, and all together in remembrance of me; They were fit to be bound in Leather and Chained, and kept in Archives: I desire they may not be lent out, or disposed of: only if I happen hereafter, to have any of my Posterity of that Society that desires to transcribe any Book and give very good caution to restore it again in a prefixt time, such as the Benchers of that Society in Councill shall approve of; then, and not otherwise, only one Book at one time may be lent out to them by the Society so that there be no more but one Book of those Books abroad out of the Library at one time They are a Treasure that are not fit for every Mans View; nor is every Man capable of making use of them: Only I would have nothing of these Books Printed, but intirely preserved together, for the use of the industrious learned Members of that Society.

A *Catalogue* of the Books given by him to *Lincolus-Inn*, according to the Schedule annexed to his Will.

Placita de tempore Regis Johannis, 1 vol. ſtitcht,
Placita coram Rege E. 1. two Vol.
Placita coram Rege E 2, one Vol.
Placita coram Rege E 3, three vol.
Placita coram Rege R. 2, one vol.
Plactia coram Rege H. 4. *H.* 5. one vol.
Placita de Banco, E. 1. *ab anno* 2, *ad annum* 21. one vol.
Tranſcripts of many *Pleas*, *coram Rege & de Banco E.* 1. one vol.
The *Pleas* in the *Exchequer*, ſtiled *Communia*, from 1 *E.* 3. to 46. *E.* 3, 5. vol.
Cloſe Rolls of *King John*, *verbatim*, of the moſt *material things*, one vol.
The *principal matters* in the *Cloſe* and *Patent Rolls* of *H.* 3. tranſcribed *verbatim*, from 9 *H.* 3. to 56 *H.* 3, five vol. velome marked *K. L.*
The *Principal matters* in the *Cloſe* and *Patent Rolls*, *E.* 1. with ſ[illegible]

abſtracts of *Records*, one vol. marked F.

A long Book of *abſtracts* of *Records*, by me.

Cloſe and *Patent Rolls*, from 1 to E. 3. and other *Records* of the time of *H.* 3. one vol, marked *W.*

Cloſe Rolls of 15 E. 3. with other *Records* one vol. marked *N.*

Cloſe Rolls from 17 to 38 E. 3. two vol.

Cloſe and *Patent Rolls* from 40. E. 3. to 50. E. 3. one vol. marked *B.*

Cloſe Rolls of E. 2. with other *Records*, one vol. *R.*

Cloſe and *Patent Rolls*, and *Charter Rolls* in the time of King *John* for the *Clergy*, one vol.

A great Volume of *Records* of *ſeveral* natures, *G.*

The *Leagues* of the Kings of *England*, *tempore* E. 1. E. 2. E. 3. one vol.

A Book of *Antient Leagues* and *military proviſions*, one vol.

The *Reports* of *Iters*, *of Derby*, *Nottingham* and *Bedford.* tranſcribed, one vol.

Itenera Foreſt de Pickering & Lancaſter, *tranſcript ex Originali*, one vol.

Reading very large upon *ſta*, and of the *Foreſt*

The

he *Tranſcript* of the *Iter Foreſta de Dean*, 1 vol.

uo Warranto and *Liberties* of the County of *Gloceſter*, with the *Pleas* of the *Chace* of *Kingswood*, one vol.

ranſcript of the *Black Book* of the *Admiralty*, *Laws* of the *Army*, *Impoſitions* and ſeveral *Honours*; one vol.

Records of *Patents*, *Inquiſitions*, &c. of the County of *Leiceſter*, one vol.

Muſter and Military Proviſions of all ſorts, extracted from the *Records*, one vol.

Gervaſius Tilburienſis, or the *Black Book* of the *Exchequer*, one vol.

The *Kings Title* to the pre-emption of *Tin*, a thin vol.

Calender of the *Records in the Tower*, a ſmall vol.

A *Miſcellany* of divers *Records*, *Orders*, and other things of various natures, marked E. 1 vol.

Another of the like nature in leather-Cover, 1 vol.

A Book of divers *Records* and things rela-

relating to the *Chancery*, one vol.

Titles of *Honour* and *Pedigrees*, especially touching *Clifford*, one vol.

History of the *Marches* of *Wales* collected by me, 1 vol.

Certain *Collections* touching *Titles* of *Honour*, one vol.

Copies of several *Records* touching *Premunire*, 1 vol.

Extract of *Commissions tempore*, *H.* 7. *H.* 8. *R.* and the *proceedings* in the Court *Military*, between *Ray* and *Ramsey*, one vol.

Petitions in *Parliament tempore*, *E.* 1. *E.* 2. *E.* 3. *H.* 4. three vol.

Summons of *Parliament*, from 49. *H.* 3. to 22 *E.* 4, in three vol.

The *Parliament Rolls* from the *beginning* of *E.* 1. to the *end* of *R.* 3. in 19. Volums, *viz.* one of *E.* 1. one of *E.* 2. with the *Ordinatinos*. two of *E.* 3. three of *R.* 2. two of *H.* 4. two of *H.* 5. four of *H.* 6. three of *E.* 4. one of *R.* 3. all Transcribed at large.

Mr. *Elsings* Book touching *proceedings* in *Parliament*, 1. vol.

Noye's *Collections* touching the Kings *Supplies*, 1 vol, stitcht.

A Book of *various Collections* out of *Records* and *Regiſter* of *Canterbury*, and *Clayms* at the *Coronation* of *R.* 2. 1. vol.

Tranſcript of Biſhop *Uſhers Notes*, principally concerning *Chronology*, three large vol.

A *Tranſcript* out of *Dooms-day-Book* of *Gloceſter-ſhire* and *Herefordſhire*, and of ſome *Pipe-Rolls*, and old Accompts of the *Cuſtoms* one vol.

Extracts and *Collections* out of *Records* touhcng *Titles* of *Honour* one vol.

Extracts of *Pleas*, *Patents* and *Cloſe-Rolls tempore*, *H.* 3. *E.* 1. *E.* 2. *E.* 3. and ſome old *Antiquities* of *England*, 1 *vol*

Collections and *Memorials* of many *Records* and *Antiquities*, 1. vol. *Seldeni.*

Calender of *Charters*, and *Records* in the *Tower*, touching *Glouceſter-ſhire.*

Collections of *Notes* and *Records* of *various natures*, marked *M.* 1. vol. *Seldeni.*

Tranſcript of the *Iters* of *London*, *Kent*, *Cornwall*, one vol.

Extracts out of the *Leiger-Books* of *Battel*, *Eveſham*, *Winton*, &c. 1. vol. *Seldeni.*

Copies of the *prineipal Records* in the *Red-Book* in the *Exchequer.* one vol.

Extracts of *Records* and *Treaties*, relating to *Sea-affairs*, 1 vol.

Re-

Records touching Customs, Ports, Partition of the Lands of *Gil. De Clare*, &c.

Extract of *Pleas*, in the time of R. 1. King *John*, E. 1. *&c.* one vol.

Cartæ Antiquæ in the *Tower*, Transcribed, in 2 vol.

Chronological Remembrances, extracted out of the *Notes* of Bishop *Usher*. one volume stitched.

Inquisitiones de Legibus Walliæ, one vol.

Collections or *Records* touching Knighthood.

Titles of *Honour*. *Seldeni*. one vol.

Mathematicks and *Fortifications*. one vol.

Processus Curiæ Militaris. one vol.

A *Book* of *Honour* stitched. one vol.

Extracts out of the *Registry* of *Canterbury*.

Copies of several *Records* touching *proceedings* in the Military Court 1 vol.

Abstracts of *Summons* and *Rolls* of Parliament, out of the Book *Dunelm.* and some *Records* Alphabetically digested. one vol.

Abstracts of divers *Records* in the Office of *first Fruits*. one vol. stitched.

Mathematical and *Astrological* Calculations. 1 vol.

A *Book* of *Divinity.*
Two large *Repoſitories* of *Records*, marked *A.* and *B.*

[*All thoſe above are in Folio.*]

THe *Proceedings* of the *Forreſts* of *Windſor*, *Dean* and *Eſſex*, in *Quarto.* one Volume.

[*Thoſe that follow, are moſt of them in Velome or Parchment.*]

TWo Books of old Statutes, one ending, *H.* 7. The other, 2. *H.* 5. with the Summs, in two vol.
Five laſt years of E. 2. one vol.
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The *Year Book* of R. 2. and ſome others one vol.
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Murti

Murti Benvenlani Geometrica, one vol.
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An old *Regiſter*, and ſome *Pleas*, 1 vol.
Bernardi Bratrack Perigrinatia, one vol.
Iter Cantii and *London*, and ſome *Reports tempore E.* 2. one vol.
Reports, tempore, E. 1. *&* *E.* 2. one vol.
Leiger Book, *Abbatiæ de Bello.*
Iſidori opera.
Liber altercationis, & Chriſtianæ Philoſophiæ, contra Paganos.
Hiſtoria Petri Manducatorii.
Hornii Aſtronomica.
Hiſtoria Eccleſiæ Dunelmenſis.
Holandi Chymica.
De Alchymiæ Scriptoribus.
The *Black-Book* of the *New-Law*, Collected by me, and digeſted into *alphabetical Titles*, Written with my own hand, which is the *Original Coppy.*

Matthew Hale.

The

The Conclusion.

THus lived and died Sir *Matthew Hale*, the *renouned* Lord Chief-Justice of *England*: He had one of the *blessings of Vertue* in the highest measure of any of the Age, that does not always follow it, which was, that he was *universally* much *valued and admired* by Men of *all sides* and *perswasions*. For as none could *hate* him but for his *Justice* and *Virtues*, so the *great estimation* he was generally in, made, that few durst undertake to *defend* so *ingrateful* a *Paradox*, as any thing said to *lessen* him would have appeared to be. His *Name* is scarce ever mentioned since his Death without particular *accents* of singular *respect*. His *Opinion* in points of Law generally passes as an *uncontroulable Authority*, and is often pleaded in all the Courts

Courts of Juſtice: and all that knew him well, do ſtill ſpeak of him as one of *perfecteſt patterns* of *Religion and Vertue* they ever ſaw.

The *Commendations* given him by all ſorts of people are ſuch, that I can hardly come under the *Cenſures* of this Age, for any thing I have ſaid concerning him; yet if this Book lives to after-times, it will be looked on perhaps as a Picture, drawn more according to *fancy* and *invention*, than after the Life; if it were not that thoſe who knew him well, eſtabliſhing its Credit in the *preſent* Age, will make it paſs down to the next with a clearer authority.

I ſhall purſue his *praiſe* no further in my own words, but ſhall add what the preſent *Lord Chancellor* of *England* ſaid concerning him, when he delivered the Commiſſion to the *Lord Chief Juſtice Rainsford*, who ſucceeded him in that Office he began in this manner.

'The Vacancy of the Seat of the 'Chief-Juſtice of this Court, and that 'by a way and means ſo unuſual as the 'Reſignation of him, that lately held it, 'and this too proceeding from ſo de-

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ploreable a cauſe, as the the infirmity of that Body, which began to forſake the ableſt Mind that ever preſided here, hath filled the Kingdom with Lamentations, and given the King many and penſive thoughts, how to ſupply that Vacancy again. *And a littil after ſpeaking to his Succeſſor, He ſaid*, The very Labours of the place, and that weight and fatigue of Buſineſs which attends it, are no ſmall diſcouragements; For what Shoulders may not juſtly fear that Burthen which made him ſtoop that went before you? Yet I confeſs you have a greater diſcouragement than the meer Burthen of your Place and that is the unimitable Example of yonr laſt Predeceſſor: *Oneroſum eſt ſuccedere bono Principi*, was the ſaying of him in the *Panegyrick*; And you will find it ſo too that are to ſuceeed ſuch a Chief Juſtice' of ſo indefatigable an Induſtry ſo invincible a Patience, exemplary an Integrity, and ſo magnanimous a contempt of worldly things, without which no Man can be truly great; and to all this aMan that was ſo abſolute a Maſter of the Science of the Law and even of

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'the most abstruce and hadden parts of it, 'that one may truly say of his know-'ledg in the Law, what St. *Austin* 'said of St *Jerom's* knowledge in *Divinity*, *Quod Hieronimus nescivit, nullus mortalium unquam scivit.* 'And therefore the 'King would not suffer himself to part 'with so great a Man, till he had placed 'upon him all the marks of bounty and 'esteem, which his retired and weak 'Condition was capable of.

To this high Character, in which the expressions, as they well become the *Eloquence*, of him who pronounced them, so they do agree exactly to the *Subject*, without the abatements that are often to be made for Rhetorick, I shall add that part of the Lord Chief-Justices Answer, in which he speaks of his Predecessor.

'A person in whom his emi-'nent Vertues, and deep Learning, have 'long managed a contest for the Superi-'ority, which is not decided to this day, 'nor will it ever be determined I sup-'pose, which shall get the upper hand. 'A person that has sat in this Court 'many years, of whose actions there I

have

'have been an eye and ear witneſs, that 'by the greatneſs of his Learning al-'ways charmed his *Auditors* to reverence 'and attention: A perſon of whom I 'may boldly ſay, that as former times 'cannot ſhew any Superiour to him, ſo I 'am confident ſucceeding and future 'will never ſhew any equal: Theſe con-'ſiderations heightned by what I have 'heard from your Lordſhip concerning 'him, made me anxious and doubtful, 'and put me to a ſtand, how I ſhould 'ſucceed ſo able, ſo good, ſo great a 'Man: It doth very much trouble me, 'that I who in compariſon of him am 'but like a Candle lighted in the Sun-'ſhine, or like a Glow-worm at mid-'day, ſhould ſucceed ſo great a Perſon, 'that is and will be ſo eminently famous 'to all Poſterity: and I muſt ever wear 'this *Motto* in my Breaſt to comfort 'me, and in my *Actions* to excuſe me,

Sequitur, quamvis non paſſibus æquis;

Thus were Panegyricks made upon him while yet alive, in that ſame Court of Juſtice which he had ſo worthily go-

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governed. As he was honoured while he lived, so he was much lamented when he died: And this will still be acknowledged as a just inscription for his Memory, though his modesty forbid any such to be put on his tombstone.

THAT HE WAS ONE OF THE GREATEST PATTERNS THIS AGE HAS AFFORDED, WHETHER IN HIS PRIVATE DEPORTMENT AS A CHRISTIAN, OR IN HIS PUBLICK EMPLOYMENTS, EITHER AT THE BAR OR ON THE BENCH.

FINIS.